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5788
JOURNAL

OF THE

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FOURTH BIENNIAL SESSION Part 18

OF THE

SENATE

OF THE

STATE OF ALABAMA.

SESSION OF 1853-'54.

HELD IN THE

CITY OF MONTGOMERY.

WITH AN INDEX,
PREPARED BY THE SECRETARY OF STATE.

MONTGOMERY:

BRITTAN & BLUE, STATE PRINTERS.

1854.

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1853/54 b

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Figure 1 shows a 10x10 grid of circles, representing a 100-point test. The circles are arranged in a grid, with some circles filled in black and others empty. The filled circles represent the correct answers for each question. The grid is labeled with numbers 1 through 100, corresponding to the questions.

JOURNAL.

MONTGOMERY, ALA., }
Monday, November 14, 1853. }

This being the second Monday in November, in the year of our Lord one thousand eight hundred and fifty-three, the day fixed by law for the meeting of the General Assembly of the State of Alabama, the Senators assembled in the Senate Chamber of the State Capitol.

On motion of Mr. Woodward, Mr. McLemore was called to the chair, and Thomas Harrison, Esq., appointed Secretary, *pro tem*.

The roll of Senatorial Districts being called, the following Senators elect were qualified and took their seats, to wit:

From the District composed of the county of

1. *Mobile*.—T. B. Bethea.
2. *Baldwin, Monroe and Clarke*.—Jas. S. Dickinson.
3. *Coffee, Covington and Conecuh*.—Wm. A. Ashley.
4. *Dale and Henry*.—James Searcy.
5. *Barbour*.—Bat. Peterson.
6. *Pike*.—Harrel Hobdy.
7. *Russell*.—B. H. Baker.
8. *Macon*.—N. H. Clanton.
9. *Montgomery and Autauga*.—T. H. Watts.
10. *Dallas and Wilcox*.—Sam. R. Blake.
11. *Sumter, Choctaw and Washington*.—Wm. Woodward.
12. *Green and Marengo*.—James D. Webb.
13. *Perry and Bibb*.—Jack. F. Cocke.
14. *Lowndes and Butler*.—W. H. Crenshaw.
15. *Coosa*.—James R. Powell.
16. *Tallapoosa*.—A. Kimbal.
17. *Chambers*.—Charles McLemore.
18. *Randolph*.—Henry M. Gay.
19. *Talladega*.—J. T. Bradford.
20. *Benton*.—Wm. B. Martin.
21. *Jefferson and Shelby*.—Moses Kelly.
22. *Tuskaloosa*.—
23. *Pickens*.—J. J. Lee.
24. *Marion and Fayette*.—Elliott P. Jones.

25. *Franklin*.—Henry C. Jones.
26. *Lawrence, Hancock and Walker*.—Wm. A. Hewlett.
27. *Blount and St. Clair*.—Mac. T. B. Brindley.
28. *Cherokee*.—J. M. Hendrix.
29. *Marshall and DeKalb*.—James Lamar.
30. *Jackson*.—Joseph P. Frazier.
31. *Madison*.—Wm. Acklin.
32. *Limestone and Morgan*.—Jno. N. Malone.
33. *Lauderdale*.—Robert M. Patton.

Mr. Pettus was appointed Door-Keeper, *pro tem*.

The Senate then proceeded to the election of a presiding officer. Messrs. Frazier and Martin being in nomination, those who voted for Mr. Frazier, are:

Messrs. Acklin, Bradford, Brindley, Dickinson, Gay, Hendrix, Hobdy, E. P. Jones, H. C. Jones, Kelly, Lamar, Malone, Powell, Woodward—14.

Those who voted for Mr. Martin, are:

Messrs. Ashley, Baker, Bethea, Blake, Clanton, Cocke, Crenshaw, Hewlett, Kimball, Lee, McLemore, Patton, Peterson, Searcy, Watts, Webb—16.

Mr. Martin having received a majority of the whole number of votes, was declared duly elected President of the Senate for the term prescribed by law.

The chair appointed a select committee, consisting of Messrs. Baker, Bethea and Webb, to inform Mr. Martin of his election. He was conducted to the chair, was qualified and entered upon the duties of his office.

The Senate then proceeded to the election of a Secretary. Wm. L. Cain, Sam. E. Dailey and Joseph H. Phelan being in nomination, those who voted for Mr. Phelan, are:

Messrs. Acklin, Bethea, Blake, Bradford, Clanton, Dickinson, Frazier, Gay, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Lamar, Malone, Powell, Searcy, Woodward.

Those who voted for Mr. Cain, are:

Messrs. President, Ashley, Baker, Brindley, Cocke, Crenshaw, Hendrix, Lee, Patton, Peterson, Webb.

Those who voted for Mr. Dailey, are:

Messrs. McLemore, Watts and Kimbal.

Mr. Phelan having received a majority of the whole number of votes given, was declared duly elected Secretary of the Senate, during the present session. He was qualified and entered upon the duties of his office.

The Senate then proceeded to the election of an Assistant Secretary. David L. Nicholson, Thomas Harrison, Benjamin Gardner, Richard R. Harris and Jeremiah Williams being in nomination, those who voted for Mr. Nicholson, are:

Messrs. President, Blake, Bradford, Crenshaw, Hewlett, E. P. Jones, Kimbal, Lamar and Malone—9.

Those who voted for Mr. Harris, are:

Messrs. Bethea, Brindley, Dickinson, Kelly, Powell and Woodward.

Those who voted for Mr. Gardner, are:

Messrs. Ashley, Baker, Clanton, Cocke, Lee, McLemore, Patton, Peterson, Watts and Webb.

Those who voted for Mr. Harris, are:

Messrs. Acklin, Gay and Hendrix.

Those who voted for Mr. Williams, are:

Messrs. Frazier, Hobdy, H. C. Jones and Searcy.

SECOND BALLOT.

Those who voted for Mr. Nicholson, are:

Messrs. President, Blake, Bradford, Brindley, Crenshaw, E. P. Jones, Kimbal, Lamar and Malone.

Those who voted for Mr. Harris, are:

Messrs. Acklin, Gay and Hendrix.

Those who voted for Mr. Gardner, are:

Messrs. Ashley, Baker, Clanton, Cocke, McLemore, Patton, Peterson, Watts and Webb.

Those who voted for Mr. Harrison, are:

Messrs. Bethea, Dickinson, Kelly, Powell and Woodward.

Those who voted for Mr. Williams, are:

Messrs. Frazier, Hobdy and H. C. Jones.

THIRD BALLOT.

Those who voted for Mr. Nicholson, are:

Messrs. President, Acklin, Bradford, Brindley, Crenshaw, Hewlett, E. P. Jones, Kimbal, Lamar and Malone.

Those who voted for Mr. Harris, are:

Messrs. Blake, Gay and Hendrix.

Those who voted for Mr. Gardner, are:

Messrs. Ashley, Baker, Clanton, Cocke, Lee, Patton, Peterson, Searcy, Watts and Webb.

Those who voted for Mr. Harrison, are:

Messrs. Bethea, Dickerson, Kelly and Powell.

Those who voted for Mr. Williams, are:

Messrs. Frazier, Hobdy and H. C. Jones.

FOURTH BALLOT.

Those who voted for Mr. Nicholson, are:

Messrs. President, Acklin, Bradford, Brindley, Crenshaw, Frazier, Hewlett, E. P. Jones, Kimbal, Lamar and Malone.

Those who voted for Mr. Harris, are:

Messrs. Hendrix.

Those who voted for Mr. Gardner, are:

Messrs. Ashley, Baker, Clanton, Cocke, Lee, Malone, Patton, Peterson, Watts and Webb.

Those who voted for Mr. Williams, are:

Messrs. Bethea, Blake, Dickinson, Gay, Kelly, Powell and Woodward.

Those who voted for Mr. Williams, are :
Messrs. Hobdy and H. C. Jones.

FIFTH BALLOT.

Those who voted for Mr. Nicholson, are :
Messrs. President, Acklin, Blake, Bradford, Brindley, Cocke, Crenshaw, Frazier, Gay, Hewlett, E. P. Jones, Kimbal, Lamar and Malone—14.

Those who voted for Mr. Harris are :
Messrs. Hendrix.

Those who voted for Mr. Gardner, are :
Messrs. Ashley, Baker, Clanton, McLemore, Patton, Peterson, Searcy, Watts and Webb.

Those who voted for Mr. Harrison, are :
Messrs. Bethea, Dickinson, Kelly and Powell.

Those who voted for Mr. Williams, are :
Messrs. Hobdy and H. C. Jones.

SIXTH BALLOT.

Mr. Harris withdrawn.

Those who voted for Mr. Nicholson, are :
Messrs. President, Acklin, Blake, Bradford, Brindley, Crenshaw, Frazier, Hewlett, E. P. Jones, H. C. Jones, Kimbal, Lamar, Malone and Searcy.

Those who voted for Mr. Gardner, are :
Messrs. Ashley, Baker, Clanton, Cocke, Lee, McLemore, Patton, Peterson, Watts and Webb.

Those who voted for Mr. Harrison, are :
Messrs. Bethea, Dickinson, Frazier, Kelly, Powell and Woodward.

Those who voted for Mr. Williams, are :
Messrs. Hendrix.

SEVENTH BALLOT.

Those who voted for Mr. Nicholson, are :
Messrs. President, Acklin, Bradford, Crenshaw, Frazier, Hendrix, Hewlett, E. P. Jones, Kimbal, Lamar and Malone.

Those who voted for Mr. Gardner, are :
Messrs. Ashley, Baker, Clanton, Cocke, Lee, McLemore, Patton, Watts and Webb.

Those who voted for Mr. Harrison, are :
Messrs. Bethea, Blake, Brindley, Dickinson, Gay, Kelly, Powell and Woodward.

Those who voted for Mr. Williams, are :
Messrs. Hobdy, Peterson and Searcy.

EIGHTH BALLOT.

Those who voted for Mr. Nicholson, are :
Messrs. President, Acklin, Blake, Bradford, Brindley, Cock, Crenshaw, Frazier, Gay, Hendrix, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimbal, Lamar, Malone and Searcy—18.

Those who voted for Mr. Harrison, are :
Messrs. Bethea, Dickinson, Powell and Woodward—4.

Those who voted for Mr. Gardner, are :

Messrs. Ashley, Baker, Clanton, Lee, McLemore, Patton, Watts and Webb—8.

Those who voted for Mr. Williams, are :

Messrs. Hobdy and Peterson—2.

Mr. Nicholson having received a majority of the whole number of votes given, was declared duly elected Assistant Secretary for the present session. He was qualified and entered upon the duties of his office.

The Senate then proceeded to the election of a Door-Keeper. Messrs. Thomas F. Pettus, S. G. McMillon, Joseph N. Savery, Jas. C. Austin, Lewis Etheridge, Richard G. Walker, Bird H. Young, William H. Mott, John G. Moore, Samuel G. B. Adams and William Gregg being in nomination, those who voted for Mr. Pettus, are :

Messrs. Ashley, Baker, Cocke, Hewlett, H. C. Jones, Lee, Malone and Patton.

Those who voted for Mr. McMillon, are :

Messrs. Blake, Hendrix, Hobdy and Woodward.

Those who voted for Mr. Savery, are :

Messrs. Bradford.

Those who voted for Mr. Austin, are :

Messrs. Acklin, Bethea, Brindley, Dickinson, Frazier, Kelly and Lamar.

Those who voted for Mr. Etheridge, are :

Messrs. E. P. Jones and Webb.

Those who voted for Mr. Walker, are :

Messrs. Powell.

Those who voted for Mr. Young, are :

Messrs. Kimball.

Those who voted for Mr. Moore, are :

Messrs. Peterson, Searcy and Watts.

Those who voted for Mr. Adams, are :

Messrs. Clanton.

Those who voted for Mr. Gregg, are :

Messrs. President, Crenshaw and Gay.

SECOND BALLOT.

Those who voted for Mr. Pettus, are :

Messrs. Ashley, Baker, Cocke, H. C. Jones and Patton :

Those who voted for Mr. McMillon, are :

Messrs. Blake, Brindley, Hobdy, Hewlett, Lee, Malone and Woodward.

Those who voted for Mr. Savery, are :

Messrs. Bradford.

Those who voted for Mr. Austin, are :

Messrs. Acklin, Bethea, Dickinson, Frazier and Lamar.

Those who voted for Mr. Etheridge, are :

Messrs. E. P. Jones and Webb.

Those who voted for Mr. Walker, are :

Messrs. Kelly and Powell.

Those who voted for Mr. Young, are :

Messrs. Kimbal.

Those who voted for Mr. Moore, are :

Messrs. Peterson, Searcy and Watts.

Those who voted for Mr. Adams, are :

Messrs. Clanton.

Those who voted for Mr. Gregg, are :

Messrs. Crenshaw, Gay, Hendrix and McLemore.

THIRD BALLOT.

Mr. Adams withdrawn.

Those who voted for Mr. Pettus, are :

Messrs. Ashley, Hewlett, H. C. Jones, Lee, Malone and Patton.

Those who voted for Mr. McMillon, are :

Messrs. Hobdy and Woodward.

Those who voted for Mr. Savery, are :

Messrs. Bradford.

Those who voted for Mr. Austin, are :

Messrs. Acklin, Bethea, Blake, Brindley, Dickinson, Frazier, Kelly and Webb.

Those who voted for Mr. Etheridge, are :

Messrs. E. P. Jones.

Those who voted for Mr. Walker, are :

Messrs. Powell.

Those who voted for Mr. Young, are :

Messrs. Baker, Kimbal, Lamar and Peterson.

Those who voted for Mr. Moore, are :

Messrs. Clanton, Searcy and Watts.

Those who voted for Mr. Gregg, are :

Messrs. President, Crenshaw, Gay and McLemore.

FOURTH BALLOT.

Messrs. Moore and Mott withdrawn.

Those who voted for Mr. Pettus, are :

Messrs. Ashley, Baker, Cocke, Hewlett, H. C. Jones, Lee, Malone, Patton and Peterson.

Those who voted for Mr. McMillon, are :

Messrs. Hendrix and Woodward.

Those who voted for Mr. Savery, are :

Messrs. Bradford and Hobdy.

Those who voted for Mr. Austin, are :

Messrs. Acklin, Bethea, Blake, Dickinson, Frazier, Kelly and Searcy.

Those who voted for Mr. Etheridge, are :

Messrs. E. P. Jones and Webb.

Those who voted for Mr. Walker, are :

Messrs. Clanton and Powell.

Those who voted for Mr. Young, are :

Messrs. Crenshaw, Kimbal, Lamar and Watts.

Those who voted for Mr. Gregg, are :
Messrs. President, Gay and McLemore.

FIFTH BALLOT.

Messrs. Etheridge and Gregg withdrawn.

Those who voted for Mr. Pettus, are :

Messrs. Ashley Baker, Cocke, Hewlett, H. C. Jones, Lee, Malone and Patton.

Those who voted for Mr. McMillon, are :

Messrs. Webb and Woodward.

Those who voted for Mr. Savery, are :

Messrs. Bradford.

Those who voted for Mr. Austin, are :

Messrs. President, Acklin, Bethea, Brindley, Dickinson, Frazier, E. P. Jones and Kelly.

Those who voted for Mr. Walker, are :

Messrs. Powell.

Those who voted for Mr. Young, are :

Messrs. Blake, Clanton, Crenshaw, Gay, Kimbal, Lamar, McLemore, Peterson, Searcy and Watts.

SIXTH BALLOT.

Messrs. McMillon and Walker withdrawn.

Those who voted for Mr. Pettus, are :

Messrs. Ashley, Hewlett, H. C. Jones, Lee, Malone, Patton, Watts and Webb.

Those who voted for Mr. Austin, are :

Messrs. President, Acklin, Bethea, Blake, Bradford, Brindley, Dickinson, Frazier, Gay, Hendrix, Hobdy, E. P. Jones, Kelly and Woodward.

Those who voted for Mr. Young, are :

Messrs. Baker, Clanton, Cocke, Crenshaw, Kimbal, Lamar, McLemore, Peterson, Powell and Searcy.

SEVENTH BALLOT.

Those who voted for Mr. Pettus, are :

Messrs. Ashley, Baker, Cocke, Hewlett, H. C. Jones, Lee, Malone, McLemore, Patton, Watts and Webb.

Those who voted for Mr. Austin, are :

Messrs. President, Acklin, Bethea, Blake, Bradford, Brindley, Dickinson, Frazier, Hendrix, Hobdy, E. P. Jones, Kelly, Searcy and Woodward.

Those who voted for Mr. Young, are :

Messrs. Clanton, Crenshaw, Kimbal, Lamar, Peterson and Powell.

Those who voted for Mr. Savery, are :

Messrs. Gay.

EIGHTH BALLOT.

Those who voted for Mr. Pettus, are :

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, H. C. Jones, Lee, Malone, Patton and Webb.

Those who voted for Mr. Austin, are :

Messrs. President, Acklin, Bethea, Blake, Bradford, Brindley, Dickinson, Frazier, Gay, Hendrix, Hobdy, E. P. Jones, Kelly, Lamar, Searcy and Woodward.

Those who voted for Mr. Young, are :

Messrs. Clanton, Kimbal, McLemore, Peterson, Powell and Watts.

NINTH BALLOT.

Those who voted for Mr. Pettus, are :

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, H. C. Jones, Lee, Malone, Patton, Watts and Webb.

Those who voted for Mr. Austin, are :

Messrs. President, Acklin, Bethea, Blake, Bradford, Brindley, Dickinson, Frazier, Hendrix, Hobdy, E. P. Jones, Kelly, Lamar, Powell and Searcy.

Those who voted for Mr. Young, are :

Messrs. Clanton, Gay, Kimbal, McLemore and Peterson.

TENTH BALLOT.

Those who voted for Mr. Austin, are :

Messrs. President, Acklin, Bethea, Blake, Bradford, Brindley, Dickinson, Frazier, Gay, Hendrix, Hobdy, E. P. Jones, Kelly, Lamar, Powell, Searcy and Woodward—17.

Those who voted for Mr. Pettus, are :

Messrs. Ashley, Baker, Crenshaw, Hewlett, H. C. Jones, Lee, Malone, McLemore, Patton, Watts and Webb—11.

Those who voted for Mr. Young, are :

Messrs. Clanton, Cocke, Kimbal and Peterson—4.

Mr. Austin having received a majority of the whole number of votes given, was declared duly elected Door-Keeper for the present session. He was qualified and entered upon the duties of his office.

On motion of Mr. Malone,

Resolved, That the House of Representatives be informed that the Senate has organised, by the election of the Hon. Wm. B. Martin, of Benton, President; Joseph H. Phelan, Secretary; David L. Nicholson, Assistant Secretary, and James C. Austin, Door-Keeper, and are now ready to proceed to business.

On Motion of Mr. Crenshaw,

Resolved, That the rules adopted for the government of the Senate, during the last session, until otherwise ordered, be adopted for the present session, and that one hundred copies be ordered to be printed.

On motion of Mr. Malone,

Resolved, That a committee of three be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to adopt Rules for the government of the two Houses, when in convention; whereupon, Messrs. Malone, McLemore and Frazier were appointed said committee, on the part of the Senate.

Mr. Kelly introduced a bill to exempt certain property from levy and sale under execution; which was read the first time.

On motion of Mr. Kelly, the constitutional rule was suspended, the bill was read the second and third times, and passed unanimously.

Ordered that the same be sent to the House of Representatives for its concurrence.

Mr. Cocke introduced a bill to repeal the 1749th and 1764th sections of the late Code of Laws on the subject of the sale of slaves and real estate of deceased persons; which was read the first time and ordered to a second reading.

And the Senate adjourned until to-morrow morning 10 o'clock.

NOVEMBER 15, 1853.

Senate met pursuant to adjournment.

Mr. Cocke introduced a bill to repeal such of the new Code of Laws of the State as authorises the levy of execution on growing crops and prevent persons owning property, exempt by law, from execution and sale from disposing of the same; which was read the first time and ordered to a second reading.

On motion of Mr. Crenshaw,

Resolved, That the President appoint the usual standing committees.

On motion of Mr. Frazier,

Resolved, That a committee of three be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House, to wait on his Excellency, Gov. Collier, and inform him that the two Houses are now organized and ready to receive any communication he may have to make to them; which was laid on the table.

Mr. Patton offered the following resolution :

Resolved, That a committee of five be appointed by the President of the Senate to act in concert with such committee as may be appointed on the part of the House of Representatives, to whom all amendments to the new Code, shall be referred.

Mr. Bradford moved that the resolution be laid on the table; which was carried.

Mr. Baker offered the following resolution :

Resolved, That the Door-Keeper of the Senate be required to furnish each member of the Senate with one hundred pre-paid letter envelopes, together with all other necessary stationery; which was lost.

Message from the House, by Mr. Elmore :

Mr. President : I am directed by the House of Representatives to inform the Senate that the House has organised, by electing the Hon. Wm. Garrett, of Coosa, Speaker; M. D. Graham, of Coosa, Principal Clerk; Albert Elmore, of Autauga, Assistant Clerk; James B. Hagan, Engrossing Clerk, and James M. Brundidge, Door-Keeper, and are now ready to proceed to business.

The House also appointed a committee, consisting of Messrs. Hall, Belser and Scott to act with such committee as may be appointed on the part of the Senate, to wait on his Excellency, the Governor, to inform him that the two Houses are now organised, and are ready to receive any communication he may have to lay before them; whereupon Messrs. Frazier, Bethea and Webb were appointed on the part of the Senate.

Ordered that the Secretary inform the House of Representatives thereof.

Mr. Cocke introduced a bill to repeal the 3439th section of the Code of Laws, adopted at the last session of the Legislature, on the subject of the qualifications of jurors, as relates to the ability to read and write; which was read the first time and ordered to a second reading.

On motion of Mr. Ashley,

Resolved, That Editors and Reporters of newspapers, journals and periodicals have leave to come within the bar of the Senate and have seats therein for the purpose of reporting for their respective papers.

Mr. Kimbal introduced a bill to exempt certain property from levy and sale by legal process; which was read the first time and ordered to a second reading.

Mr. Watts presented the biennial report of the State Treasurer; which was laid on the table and 500 hundred copies ordered to be printed.

A message was received from the Governor, by Mr. Harrison, his private Secretary, as follows:

Gentlemen of the Senate and House of Representatives:

You have assembled in obedience to law, to deliberate upon the interests of the State—to maintain its integrity and honor—to direct the expanding spirit of progress, and, so far as it may be deemed expedient, to exercise the functions of Legislation. In the performance of these high duties, I pledge you my zealous co-operation to the extent to which judgment and conscience will permit.

The last year was one of unsurpassed prosperity. The three great departments, Agriculture, Manufactures and Commerce, received an ample return for the industry and skill they employed. Within the present year the husbandman throughout our borders will not, perhaps, have reaped a harvest alike remunerating, but we have an assurance that the demands of reason, if not avarice, will be fully satisfied.

During the last year disease and death visited our people in some localities, with unrelenting violence. This year they have extended the area of their domain, walking not only in darkness, but wasting at the morning's dawn, in the brightness of noon, and at the close of day. In their devastating course, they have spared neither race, age, sex nor condition. Death! insatiable in

his demands, has sent countless victims to the grave, casting he mantle of mourning not only over families, but clothing with the habiliments of grief, whole communities. Thus verifying the exclamation, "All flesh is as grass, &c." How forcible the admonition! "Be ye also ready, &c."

We have been recently called to deplore the death of a long honored statesman of Alabama. All that is mortal of the Hon. Wm. R. King, Vice President of the United States, reposes in the silence of the grave. The entire nation honored him for his conservative principles—his expansive patriotism—his frank and generous bearing—his practical knowledge and reliable judgment, to say nothing of the attainments which gave an imposing finish and dignity to the man. Throughout this vast confederacy unusual demonstrations of respect and esteem have been paid to his memory. I felt it due to the people of this State to express their sorrow, by craping the capital in mourning, and causing the usual salute to be fired at the dawn and close of the day. It remains for you to consider whether some enduring memorial of the estimate in which he was held by his adopted State should not have a place among our archives.

Turning from these melancholy, though to some extent pleasurable reflections, which it is difficult to limit, I address myself to the topics that will most probably be considered during your present session.

INTERNAL IMPROVEMENTS.

In my communications of December, 1849, and November, 1851, I expressed my views quite at length upon the propriety of encouraging the improvement of the navigation of our rivers and the construction of Rail Roads, Plank Roads and other facilities of inter-communication. Since the last session of the General Assembly, and especially within the present year, the subject has received a new impulse. Several Rail Roads in the course of construction have received such aid, by subscriptions of stock or otherwise, as place their completion beyond contingency, and within a reasonable time. Other roads of much importance, not only to the people of this State, but to our sister States, have been projected under circumstances that furnish the most encouraging assurance that their construction will be entered upon, and pressed forward with all the energy due to such interesting enterprises.

The work upon the Mobile and Ohio, the Memphis and Charleston, the Alabama and Tennessee River, and the Girard Rail Roads, have progressed even beyond the most favorable expectations we entertained two years ago. All these works have invited such an amount of capital to their aid, that their progress must be continuously onward. I have heretofore spoken of the three former in reference to the country over which they passed,

and the points they connect. The latter commences upon the Western bank of the Chattahoochie at a point opposite the city of Columbus, Ga., passes through Russell and across the Southern part of Macon, by way of Union Springs—perhaps over the Northern part of Pike and the South-eastern corners of Montgomery and Lowndes—thence through Butler, by or near Greenville, over the Northern part of Conecuh and across Monroe, crossing the Alabama and Tombigbee at such points, above or below their junction as interest or convenience may dictate, and onward to connect with the Mobile and Ohio Rail Road. This road will traverse an interesting country, the greater part of which, secluded and remote from our large rivers and the lines of travel and commerce, has been hitherto much underrated. Portions of it produce large quantities of cotton. When the road is completed, all of it will exhibit a higher development of Agricultural resources; added to which, it is unsurpassed if not unequalled, by any part of our State for fine timber and material for naval stores—both of which have become important objects of trade, and promise extraordinary enlargement. The increasing intercourse for observation, commerce and other purposes, between the Atlantic and Gulf States—the expansion and growing activity of the country, must make this road a most important auxiliary of communication between the East and the West.

I observe through the press that it is proposed to connect the city of Montgomery with this road, by a Rail Road running thence to Union Springs, which may, perhaps, be extended to Eufaula. This road would pass over a fine cotton growing country, susceptible of much greater improvement than it has received—the South-eastern portion of which will furnish large quantities of lumber.

Rail Roads have also been projected from Montgomery, to connect with the Alabama and Tennessee River Rail Road, a few miles North of Selma, and again a few miles North-east of Montevallo. This latter connection proposes to take Wetumpka in its route, and to be extended across the Alabama and Tennessee River Rail Road, to connect some ten or fifteen miles North of Montevallo, with a road which it is supposed will be constructed from North Alabama. So it is proposed to construct a line of Rail Road from Wetumpka to the Montgomery and West Point Rail Road at a point South-east or East of Tallassee. The two former of these lines would traverse a country, a portion of which produces cotton very well—the greater part is well set with a valuable forest growth—the North-western part furnishes iron ore, coal and limestone; and all of it will grow provisions sufficient for the consumption of a greatly increased population. The latter road would pass over a valuable forest, and across a water-fall of almost unlimited power and adaptation, hardly second to any in the United States, taking into consideration every important element of value.

Under an act "to incorporate the Cahaba Valley Rail Road Company," it is proposed to construct a road from the Alabama and Tennessee River Rail Road at or near Montevallo, through Shelby and St. Clair counties to some point at or near Gadsden, where it will again unite with the same road. And I learn through the Press that a company has been organized under an act of the last session, "to charter the Wills Valley Rail Road Company," the purpose of which is to extend a Rail Road from the Northern terminus of the Cahaba Valley Road to the Georgia line, in a direction to intersect the Georgia and Tennessee Rail Road at some convenient point in Lookout Valley.

Both these roads would pass through a country producing fine fruits and an abundance of provisions, the production of which could be increased to a great extent. They present much of Mountain and Valley scenery, both beautiful and romantic—finely watered, with a considerable proportion of rich land, which would produce not only the usual grains, but grasses. All these making it one of the most interesting and attractive portions of the State, especially as a resort for health—for growing provisions and raising stock.

Along and contiguous to these routes, are lands that yield cotton very well, and with greater certainty than it is produced in the rich cotton-growing districts; and the lines pass over or near beds of coal, limestone, iron ore, and perhaps marble and other valuable rocks and minerals.

This description of the country proves that these roads would be valuable for commercial purposes, and their termini indicate their importance as lines of travel.

It has been announced through the newspapers that a company has been organized under the Act of February, 1850, "to incorporate the Alabama and Georgia Rail Road Company." This road is to be run from Jacksonville or some other point in its vicinity on the Alabama and Tennessee River Rail Road, in the direction of Rome, Georgia, and contemplates a connection with the latter town, by a road to be extended from thence to meet it. This road would furnish a connection between the extreme North-eastern and Southern part of this State and open a more direct intercourse between Northwestern Georgia, East Tennessee and the Valley of Virginia, and Mobile and the Gulf generally. The districts of country thus brought into communication with us, would send to market immense quantities of fruits, provisions, live stock, iron and many other articles of value, and take back in return, not only groceries but cotton and other merchandize. Thus furnishing certain supplies, if need be, of many indispensable articles to a large portion of our State, and enabling Mobile, with her receipts from the Mobile and Ohio Rail Road to become an exporter of provisions to a large amount. This road, instead of being considered with distrust, should be most favorably regarded.

A Rail Road has been projected from Montgomery to Pensacola, by companies organized under charters enacted by the Legislatures of Alabama and Florida, the route for which, I learn from the newspapers, has been examined and partially surveyed. The amount of stock subscribed, and the energy manifested, indicate that these companies contemplate a speedy completion of their work. This road will pass through the Southern portion of Montgomery county, across Lowndes and Butler, perhaps touching the North-west corner of Covington, through Conecuh and into Florida. The country over and near which this line will run, is much of it productive of cotton, corn and other provision crops—the remainder grows abundant material for lumber and naval stores. It is perhaps desirable that our products should find an outlet to a foreign market through our own sea-port; but if any of our people in the interior wish to establish a direct communication with other ports, so far as it depends upon our Legislation, let us promptly grant every facility. However much of selfishness, individuals may exhibit, let us act upon the principle that the manifestation of such a feeling is unworthy of Legislators professing to be controlled by an enlightened policy. More especially should we favor this road, as it will connect us with a harbor, if not superior, certainly not second to any on the Gulf or its tributaries, and with a Navy Yard of growing importance.

During the present year a strong feeling has manifested itself to connect North and South Alabama by a more direct communication than any of the charters heretofore granted contemplate. Many primary meetings and several Conventions of Delegates from quite a number of counties, have been held, and numerous attended, for the purpose of enlightening and uniting public opinion and action in this most interesting project. The result of the deliberations of these conventions, I believe, is an agreement to recommend the construction of a Rail Road from a point at or near Beard's Bluff on the Tennessee River, in Marshall, to Elyton, in Jefferson county—leaving Eastern, Middle and Western Alabama to connect with it at its South-western terminus, or elsewhere as may be deemed most expedient.

In a social, commercial and political point of view, this would be a road of the first importance. It would introduce North and South Alabama to each other—sections at present detached, in which the masses of each have but little intercourse with the other. Indeed, they are comparatively strangers, though they live under the same government and are amenable to the same laws. That this great improvement would create a community of feeling and interest, and a sense of mutual dependence cannot be doubted, while at the same time it would furnish facilities for trade, which would be made available, to an extent greatly productive of the interest of both sections.

This road, it is supposed from partial explorations, would pass

through valleys of land, finely watered, contiguous to valuable minerals, and producing grain and fruits in great abundance, and which, under a proper system of cultivation, would yield a certain and fair crop of cotton. These valleys, it is said, are connected by passes through the hills that separate them, and that the road might be located so as to require no deep cuts, nor bridges of any great extent.

The conventions at Elyton and Tuscaloosa, by a unanimous vote or a large majority, were of opinion that as this road was so interesting to all our people, its construction should be undertaken by the State; the more especially as the country through which it passed, though generally thrifty, was unable to give much assistance to the undertaking.

If the three per cent. fund, with its supposed accumulations, heretofore invested in stock of the Bank of the State, were re-invested in stock of this road, and Congress shall grant the public lands as liberally as we have reason to expect, there can be no doubt but it would be for the public interest, even in a pecuniary point of view, to make it a State enterprise. It would doubtless require an advance of money from the Treasury, but this would be reimbursed by the sale of the lands and the receipts from the road, to say nothing of the great public benefits that would result.

I observe that a connection between the State Road at Elyton and the Cahaba Valley Rail Road at or near Ashville, is contemplated, so as to afford the most direct communication between Elyton, as a focal point, and Chattanooga and the country East and North.

It is also proposed to extend a Rail Road from Elyton, by way of Tuscaloosa and Eutaw, crossing the Tombigbee at or near Bluff Port, and onward by way of Livingston, to connect with the Mobile and Ohio Rail Road where it is crossed by the Alabama and Mississippi Rivers Rail Road.

If the proceedings of popular meetings and publications through the Press, are significant of the opinions and actions they enunciate, (and I do not doubt them,) then a Rail Road will most probably be constructed from the city of Tuscaloosa, through Pickens county, to Macon, Mississippi. The people of Gainesville, and the country East and West of that town, declare their purpose to be connected with the line to Elyton, and also with the Mobile and Ohio Rail Road at such points as may be deemed most proper.

The road from Elyton to Tuscaloosa would traverse a country, a portion of which is productive—much of it abounding in valuable timber and exceedingly rich in coal and iron, with a sufficiency of lime for all ordinary purposes. West of Tuscaloosa the contemplated roads pass over or are contiguous to some of the most productive cotton lands in Alabama and Eastern Mississippi. These roads, with those crossing the State South of them,

would develop the wealth of West Alabama South of the mountains, and perhaps afford all desirable facilities of travel between the East and the West across the State.

Under the act as amended, to "incorporate the Alabama and Mississippi Rivers Rail Road Companies," a company has been organized and subscriptions of stock obtained, for the construction of a road, commencing in the city of Selma, passing through Uniontown, and onward in the direction of Jackson, Mississippi. The greater part, perhaps all the grading between the two former points, is already under contract, and the work seems to progress with energy. This road, I believe, is intended to constitute a part of the route between West Point and Montgomery on the East, and Brandon, Jackson and Vicksburg on the West—traverses the most productive cotton lands in this State, and promises to be the great line of travel between the commercial cities of the Carolinas and Georgia and the great marts of the Gulf. Besides, its Western *terminus* will most probably connect with one of the Southeastern termini of the Atlantic and Pacific Rail Road, assuming that this great enterprise will be pushed forward by the demands of the commerce of the world and the capital and energy of our people.

The brief description I have given of the locality of this road, is sufficient to show that the wants of the country require its speedy completion, and that it would be strange if, with almost incalculable wealth contiguous to it, its construction were delayed for the want of means.

I have also read from the newspapers, notices of subscriptions for stock to a large amount; and the organization of a company under the act of the last session, "To incorporate the Mobile and New Orleans Rail Road Company." I am not informed whether the construction of this road has been commenced, or what steps, other than I have stated, have been taken towards its initiation; but the growing importance of the two great cities of the Gulf must force its construction.

The face of the country between Mobile and New Orleans, I assume, is such as to require few or no deep cuts, and the soil light, sandy and easy of excavation, making the culverts and bridges the heaviest work, preparatory to the superstructure. The intervening country being much of it dry, sandy and sufficiently elevated, must furnish delightful locations for the residences of persons doing business in these cities.

A Rail Road is now in a course of construction from the city of Columbus, Georgia, or from the town of Girard, immediately opposite to that city, on the West bank of the Chattahoochie, to connect with the Montgomery and West Point Rail Road at or near Opelika. The completion of this road will connect Montgomery with Savannah.

It is supposed that the Rail Road now being constructed from New Orleans by way of Jackson, Mississippi, to Aberdeen, will

be extended to Tusculumbia and Florence, to be connected at the latter place with a Rail Road to be made therefrom to meet at the Tennessee line, a Rail Road now being constructed from Nashville by way of Franklin, Columbia and Lawrenceburg. In its entire route this would be an important road, furnishing a convenient line of travel for an extensive, rich and interesting section of country, and transportation for cotton, provisions, live stock, iron, (which would be manufactured in the North-western part of this State and in the Southern part of Tennessee,) with many other articles of commerce.

In addition to these grand projections for the improvement of our State, I have within the last few months read from the newspapers proceedings of public meetings, editorials, and perhaps other communications manifesting a strong disposition to connect the town of Decatur by a Rail Road passing through or near Athens, and Pulaski, in Tennessee, with the Nashville and Florence Road; to construct a Rail Road from Decatur to Elyton; and also, to extend a Rail Road from Decatur across North-eastern Alabama to Griffin, in Georgia, or some other point connected by Rail Road with Savannah. Whether any steps have been taken towards a survey or commencement of these roads, I am wholly uninformed.

I believe I have referred to all the roads in progress, or which the press has represented are seriously contemplated, except those intended to connect Marion and Greensborough with the Alabama and Mississippi Rivers Rail Road. - If I have omitted any, it is with no intention to disparage, but has been occasioned by forgetfulness or a want of information. What I have written has been dictated with the impartiality due to truth. I have considered myself a citizen of Alabama in its length and breadth, indifferent to personal interest or local attachment.

The construction of Rail Roads commensurate with the probable expansion of business and travel would quicken industry by adding new incentives to effort—increase the objects of commerce to an incalculable extent by facilitating and cheapening transportation. They would stimulate the manufacture of almost every article of value, in which the South, for we have the raw materials. Instead of investing the proceeds of our cotton crops, in increasing to an unprofitable extent the producing force on our plantations, our planters would invest their surplus funds in the manufacture of iron, cotton, wool and such other branches of industry, as promise to yield a compensating profit. Becoming manufacturers, as a necessary consequence, we would become exporters of whatever we manufactured beyond our home demand.

The extension of Rail Roads throughout the Union and the consequent cheapening of intercommunication, and the astonishingly rapid expansion of the commerce of the Gulf, and the farther West, would by a corresponding increase of travel, make the

different sections of the Union much better acquainted, with each other, produce a homogeneousness of feeling—remove sectional strife and add stability to the confederacy. This consummation being effected with the preservation of the Constitution inviolate, our moral power and grandeur as a sisterhood of sovereignties, would place us quite in advance of any people of whom history speaks.

Various modes of rendering State aid in the construction of Railroads have been suggested, and still no plan has been agreed on by the friends of such a measure. Some have proposed that the Legislature shall enact a general law providing for the endorsement of the bonds of each company, for a sum proportioned to the number of miles they have graded. While others insist that the State should endorse the bonds upon being indemnified against the consequence of the company's default, without reference to the work done on the road.

Whether either of these plans are expedient, it is needless to inquire. In my judgment they do not sufficiently commend themselves to popular approbation to entitle them to the favor of the General Assembly. I believe they are generally denounced by the people as the initiative to renewed embarrassment. That such endorsements being once commenced, a precedent will be made from which it will be difficult to recede, until State credit shall be impaired, and the temptation to faithlessness lead to practical repudiation. It will certainly be difficult for the Legislature under opposing influences always operative, to discriminate between roads, or to form an infallible judgment upon the sufficiency of the indemnity. If the consequences apprehended are likely to result, we should withhold our guarantee from all such engagements. Sooner than overwhelm the State in irretrievable bankruptcy, it would be better to make her a stockholder to the extent of our available means in the most important Rail Roads of the State. But such a proposition would not be apt to meet with popular favor, as our people have been expecting our funds would be husbanded, and appropriated in extinguishment of our State debt as speedily as possible. Upon these topics, I think I speak advisedly, unless the occurrences of the last three or four months have operated a change in public opinion.

It is known to you that five per cent. of the nett proceeds of the public lands was reserved to the State under a stipulation with Congress upon the admission of Alabama into the Union, "for making public roads, canals and improving the navigation of rivers, of which three-fifths shall be applied to those objects within the State under the direction of the Legislature thereof, and two-fifths to the making of a road or roads leading to the State, under the direction of Congress."

By an act of Congress of September, 1841, the two per cent. fund is relinquished to the State, upon the condition that it be

faithfully applied under its direction "to the connection by some means of internal improvement of the navigable waters of the Bay of Mobile with the Tennessee river, and to the construction of a continuous line of internal improvements from a point on the Chattahoochee river opposite West Point, in Georgia, across the State of Alabama, in a direction to Jackson, in the State of Mississippi." This fund, then, must be devoted to the advancement of these objects.

The act of December, 1823, to establish the Bank of the State Alabama, provides that all the monies accruing from the three per cent. fund, shall constitute a part of the capital stock of this Bank and be thus vested as it is received from the United States: *Further*, that the nett proceeds or banking dividends of said capital shall be applied to the making of roads and canals and improving the navigation of rivers within this State, or be vested so as to augment the capital until such application shall be directed by law."

The receipts of the Bank to the credit of the three per cent. fund up to the 13th November, 1843, were \$345,403 33, and the dividends declared on the sum at different times amounted to \$104,858 30. The last dividend was declared on this fund in the month of November, 1834. The profits accruing subsequently to that day, were, under the act of the 10th January, 1835, carried to the credit of the "Sinking Fund;" and from this fund the Legislature subsequently made appropriations amounting in the aggregate to the sum of \$135,000. What were the profits accruing subsequently to November, 1834, on the three per cent. fund, I am not informed. But as the business of the Bank greatly expanded during the several years that intervened that and the catastrophe of 1837, upon the assumption that its business involved no losses, the figures would show a large profit. Whether the dividends previously declared, were nominal or real, I have no means of determining. It is, however, perfectly certain that the terms on which the State received this fund, inhibited its diversion to any other object than that designated. We accepted it under a special trust and cannot relieve ourselves from the obligation to perform the trust, whether the fund has produced a profit or sustained a loss. Indeed the Bank Charter, in investing it, expressly pledges the faith and credit of the State to supply any deficiency in this fund, "and to give indemnity for all losses arising from such deficiency."

We may show that the dividends declared were imaginary; and perhaps, that the three per cent. fund is a debtor to the "Sinking Fund" to the extent of the appropriations charged to the latter. But beyond these, we can certainly claim no diminution. The neglected maxim, "honesty is the best policy" is alike applicable to States and individuals, and is indicative of our duty.

I therefore recommend that an account be taken of the three

per cent. fund, with the profits accruing thereon, and all legal appropriations thereof, and that the aggregate amount now in the hands of the Treasurer or other agent of the State, or for which the State is accountable, henceforth be charged by the State to the credit of this fund, to be appropriated to the construction of such Rail Road or Rail Roads as are most important and need its aid.

In my last biennial message I referred to the fact that the General Government was the proprietor of many millions of acres of public lands in this State, not subject to taxation; and that consequently our revenue was greatly diminished by having a privileged land holder of such extensive domains within our limits. I advised the General Assembly to ask of Congress liberal grants of these lands to aid the construction of Rail Roads and other improvements; stating that the request might properly be rested upon the ground that the remainder of the lands contiguous would be enhanced to an amount equivalent to the previous value of the aggregate, and would by the improvements thus assisted, be brought into market. Such grants are perfectly legitimate according to the strictest construction of the Constitution; and the enactments of Congress, especially within a few years past, furnish some striking precedents.

I am not inclined to question the general proposition that lands cannot be legally appropriated by Congress to an object for which money may not be legally appropriated. But is it entirely certain that this proposition applies to States in the same category with Alabama?

The act of Congress of March 2, 1819, was professedly intended "to enable the people of the Alabama territory to form a Constitution and State Government; and for the admission of such State into the Union on an equal footing with the original States."

Amongst other propositions submitted by that enactment, one required that the convention of Alabama "provide by an ordinance irrevocable without the consent of the United States, that the people inhabiting the said territory, do agree and declare that they forever disclaim all right and title to the waste or unappropriated lands lying within the said territory, and that the same shall be and remain at the sole and entire disposition of the United States; and, moreover, that every tract of land sold by the United States shall remain exempt from taxation."

The convention adopted such an ordinance as the act of Congress required. But for this disclaimer of title, or a tacit acceptance of the terms of the act by coming into the confederacy, I have supposed that the State as an incident—or appendage of the right of *eminent domain*—would, upon its admission into the Union, have become the proprietor of the waste or unappropriated lands. This question was discussed in the Senate of the United States in 1828, and I do not remember that the point was

then controverted. However it may be, I believe I am sustained by judicial decision. I very well remember that in the debate of the Senate the disclaimer of the State was denounced as a nullity,—upon the ground that it was imposed as a condition upon which she should be permitted to put off her pupillage and become one of the political sisterhood—that it impaired her sovereignty and denied to her equality of position. These conclusions, though ingeniously urged, impressed me as untenable deductions from an argument too much attenuated.

The act of Congress we have seen required “that the said Convention shall provide by an ordinance irrevocable without the consent of the United States, &c.” These terms imply with all the force of language that the ordinance may be revoked or annulled *with the consent of United States, acting through their organ, Congress*. If Congress may revoke it altogether, it may revoke in part by exempting a portion of the public lands within the State from its influence—upon the principle that the greater includes the less. But until a partial or total revocation of the ordinance is made, the lands in this State to which the Convention disclaimed title, remain as previous to the adoption of the Constitution, “at the sole and entire disposition of the United States.”

The act does not prescribe any condition upon which the consent of Congress may be given to a revocation of the ordinance. It will not do to annex as a condition, the provisions of the Constitution which confer upon Congress power to appropriate money or do any other act: for the right to admit new States within the territorial possessions of the United States, is unlimited, and the effect of such admission, we have seen, is in the absence of an implied or expressed disclaimer of right, to invest the newly admitted State to the waste or unappropriated lands within her limits. The disclaimer is merely binding upon the State until Congress shall, at its mere volition, make it inoperative either wholly or in part.

This is but a summary of the argument, and is presented to show that it is competent for Congress to grant or relinquish to the new States at its mere volition any part of the public lands within their borders. Half the lands within this State have been sold by the United States, averaging a price considerably above the minimum prescribed by Congress. Much the greater part of the remainder is comparatively poor, and of but little value for agricultural purposes, or even for lumber or minerals, unless they shall be traversed by Railroads. Our revenue has been restricted by the privileged proprietorship of the United States; and consequently our ability to construct works of public improvement much less than otherwise it would have been. The presentation of these considerations strongly appeal to the generosity—the justice, of Congress; and the spirit of progress I cannot doubt will cause the appeal to be heard and liberally answered.

I advise that you again address Congress and request it to aid

our Rail Roads by grants of public lands—not merely alternate sections of such lands as may lie within a limited distance of a road; but where these have been sold, to permit the location of other lands in their stead without reference to locality. If the interpretation I have given to the act of 1819, is defensible, it is competent for Congress thus far to consent to the revocation of the ordinance of the Convention. The bounty of Congress thus enlarged would promote the interest of the Memphis and Charleston Rail Road and such other lines as may not be contiguous to waste or unappropriated lands."

The lands in our richest districts of country have been sold and in many instances at prices some hundreds per cent. above the Government *minimum*. Shall roads passing through these districts receive no bounty from the United States? The land holders there, have contributed liberally to the Treasury in procuring their homes, and have made private property of the lands that were public. These considerations should not disparage their claims to national benevolence—certainly not to justice.

I have heretofore suggested to the General Assembly, the propriety of endeavoring to impress upon Congress the great importance to the interest of this State of the public domain becoming private property, with a view to the increase of revenue from taxation. To that end, I have advised that the graduation of the price be requested. Expediency demanded such an enactment long since, and the vast accession to the public domain has made its propriety still more apparent. Thirty four years have elapsed since Alabama became a member of the American Confederacy, and still the United States is the proprietor of almost if not quite half the lands within her borders. There has been no reduction of their price since the first of July, 1820, notwithstanding the intervening period has been sufficiently long to indicate the propriety of a gradual diminution from time to time, even if the Government were grasping as a huckster, or unrelenting as a usurer.

Whatever constitutional enactments of Congress will promote the prosperity of Alabama, will, in a greater or less degree, advance the interest of the United States. The business connection between this State and Northern Manufacturers and importers, especially in the great points of centralization, are so intimate and extensive, even if interest, apart from an enlarged patriotism, was the sole prompter to action, that it seems to me that we might, with confidence, invoke the aid of their Representatives upon the floor of Congress. If the United States would listen to our appeal, not with the ear of a heartless step-mother, but with the recollection of our common origin—our united struggles—our noble mission, and its glorious consummation if true to the guidance of duty, our repeated appeals to the justice and magnanimity of Congress, would be generously answered. I again commend this subject to your early and earnest consideration.

MOBILE BAY AND ITS IMPROVEMENT.

The planting interest of South Alabama and the country tributary to Mobile, sustain in the aggregate, a heavy loss, annually, in consequence of the water over the bar in the bay, not being of sufficient depth to permit the transit of vessels of the ordinary tonnage, directly to the city.

This state of things makes it necessary to employ lighters to load and unload vessels lying at their moorings, and every bale of cotton, barrel, &c., transported or brought in, includes a charge, with incidents according to the usage of commerce, which is borne by the producer or consumer, by diminishing the market price in one case, or increasing it in the other. The aggregate of this burden upon the business of Mobile, it would, perhaps, be possible to estimate with some approximation to exactness—suffice it, however, to say, that it is believed in one or two years, it would amount to a sufficient sum to deepen a channel suited to the ordinary purposes of commerce.

The power of Congress to appropriate money to improve the Harbor of Mobile, by removing the obstruction mentioned, will hardly be controverted at this day by the advocates of the strictest construction of the Constitution. The power “to regulate commerce, &c.,” conferred by the 2d section of the 1st article of that instrument, extends to the construction of light-houses—the placing of buoys and beacons, the removal of obstructions to navigation in creeks, bays, &c., and the establishment of securities to navigation against the inroads of the ocean. These powers have been beneficially exerted from a period almost coeval with the organization of the Government under the Constitution, and when properly applied have not been seriously questioned.

Heretofore the appropriations for the object mentioned have been too much restricted, and, perhaps, until recently, have not been expended in the most judicious manner. But, that the Harbor of Mobile is susceptible of improvement by the application of means bearing no proportion in their amount to the benefits that would result, especially to the producers and consumers, cannot be doubted. I therefore respectfully recommend that you bring this subject to the attention of Congress, and request an appropriation equal to the most reliable estimate.

ATLANTIC AND PACIFIC RAIL ROAD.

Among the measures that will probably engage the attention of Congress at its next session, none can be more interesting to the entire confederacy and the World, than the construction of a Rail Road, which shall connect the Gulf and Atlantic States with the Pacific coast, and the mode and measure of aid by which Congress shall advance this great enterprize. In a commercial, social and

political point of view, if not unequalled, it is of unsurpassed importance. It is difficult to contemplate the vast results consequent upon the completion of this work, without being overwhelmed with their magnitude.

A Rail Road between the points indicated, would cause the intervening country to be settled, at least along the line, and thus furnish a protection to commerce and travel. It would bring our acquisitions in the West much nearer to us, by making them easy of access, and in a much shorter time; consequently their settlement would be more rapid, and their increase in strength and wealth would be in a more than corresponding ratio. In case of a war—an event which is certainly among the possibilities of the future, until the golden rule shall control the conduct of individuals and of nations—it would enable us to transport men and munitions of war to California and Oregon in a short time, and at a trifling cost. It would be the means of the moral advancement of the Indian tribes contiguous to it. The facility with which the richest and most populous portions of the East could be approached from the Pacific coast, would cause the United States, in their entire breadth from East to West, to be traversed by the greater part of the commerce and travel between Europe and the East.

Nor are these the only benefits that would accrue from the completion of this undertaking. Industry in every part of the Union would receive an impulse—new and increased incentives to exertion, would be seen and felt, and the commerce and manufactures of the United States, would expand with the inducements to effort.

If the history of the past is instructive, or passing events significant, then indeed has a higher power than man indicated that the people of the United States have a most important part to act in the affairs of the World. Our rapid advancement in the scale of nations, and the position we occupy, devolve upon us the duty of meliorating the condition of humanity by all the moral appliances which our extensive intercourse with the world will enable us to employ—not merely to act upon individuals, but silently to liberalize systems of Government; that man may be freed from unnecessary restraint upon his actions, and left to his own volition in matters of indifference. These results are to be achieved, not by the sword, but by the example reflected by our justice and power, at home and abroad. War is no part of our policy—aggression is incompatible with our principles—the right of defence we will exercise, when honor and interest demands. The connection of the Atlantic and Pacific, in the manner proposed, would contribute more than any other measure, to enrich the Union, and to enable us to accomplish what I have supposed to be our great moral mission to the world.

A work of such magnitude, and fraught with such results, cer-

tainly deserves the patronage of Congress, unless policy forbids its bestowment. I would not have this road constructed by appropriations from the Federal Treasury. Nor would I stop here to consider whether, if it is intended as an incident of the power to declare war &c., it is permissible to advance it by grants of money. Be this as it may, I am sure that it would be eminently inexpedient to make it a Government work. The experience of the past proves that no great improvement has been made by the United States, but at a cost surpassing any reasonable estimate. Individual interest must predominate, to induce that circumspection which is necessary to prevent imposition. Let it be known that a work of such magnitude was to be put under contract by the Government, and thousands, ravenous as Harpies, would endeavor, by all the artifices that dishonesty could suggest, to filch the public treasure. We know that the morality of many persons who exhibit ordinary honesty, in transactions with individuals, permits them to cheat the public to any extent, without compunction. Appropriation would make way for appropriation, until the expenditure would swell far beyond all previous calculation.

In the public service, there are doubtless engineers of eminent qualifications, whose acquaintance with the topography of our recent settlements on the Pacific is such, that they are prepared to make an intelligent and impartial survey of the route for the proposed road. The surveys of corps thus organized, of officers disinterested and impartial, would command much more respect, than the most elaborate reports of engineers in the employment of chartered or unchartered companies. The latter, however honest, would insensibly bend to the dictation or wishes of their employers, unless they possessed a rare amount of self possession and firmness.

If the main trunk is located where such a survey may indicate the construction to be most practicable—sufficiently far South to be free from the obstruction of the snows of winter, and where, with a proper regard to these two great elements in the question of location, the public welfare requires it, then Alabama should be satisfied. In my judgment, it would be unwise to make the bounty of Congress depend upon any particular terminus—East or West. The demands of the country on the East, certainly require several termini, and no doubt it would be altogether proper to make more than one outlet to the Pacific.

Although it would be highly inexpedient, without regard to the question of constitutional power, for Congress to appropriate money for the construction of this road, I cannot doubt that the interest of the entire Union would be most essentially promoted by liberal grants of the public domain, situated as near as may be, yet extending many miles on either side of the main trunk, or the branches leading to its termini. Such grants, to any proper ex-

tent, would bring the adjacent lands into market, at prices greatly more than they would command in their present inaccessible condition. The Government should, of course, stipulate with the company or companies, to which the lands would be granted, to render important public services. Further; that the road should not be made an oppressive monopoly, injurious in its exactions upon individuals or communities—taking care to hold in check the propensity to grow rich by the indulgence of avarice. All these being secured by express stipulation, or made a condition of the grant of lands, or in some other manner, an ample equivalent would be obtained.

I have briefly expressed to you, my views on this great question. Its intrinsic importance and the discussion it has received, both in and out of Congress, will commend it to your consideration, and induce a declaration of your opinion with the frankness the subject demands.

THE CODE OF ALABAMA.

In obedience to the provisions of the act, "to provide for the adoption, printing and distribution of the Code of Alabama," I appointed, within a few days after the close of the last session, Henry C. Semple, Esq., of Montgomery, "to make head-notes to the titles, chapters and articles of the Code;" also "a full and complete index thereto, and to compare the printed copy with the original." I also entered into a contract with Messrs. Brittan & DeWolf, state printers, by which they stipulated to print within this State, and bind and deliver to the Secretary of State, by the first day of July, 1852, five thousand copies of the Code, of the style required.

The other duties enjoined on me, previous to the publication of the work, were all performed.

Upon the certificate of the Secretary of State, that Messrs. Brittan & DeWolf had delivered to him the number of copies designated in their contract, and being satisfied from inspection that "the execution of the work, and material," were such as the act contemplated, I certified to the Comptroller that they had executed their contract, and were entitled to the compensation therefor, &c. The bond of the contractors is on file in the office of the Secretary of State, and the report of the Comptroller will show the sums that have been paid them.

The amount may appear large to those unacquainted with the charges for printing and binding in this State. But upon inquiry, and taking into consideration the cost of materials, the style in which the work was executed, and the brief period allowed for its completion, it is believed the compensation stipulated, was only a fair equivalent.

Although the Code was not delivered within the time provided

by the contract, I believe the contractors employed all reasonable diligence to comply with their undertaking, that no public inconvenience has resulted from their failure, and therefore no suit should be instituted to charge them for a default.

The gentleman appointed to prepare the head-notes, &c., has been paid the entire sum appropriated for the services he rendered, upon the advice of the commissioners who prepared the Code, confirmed by my own judgment, that it was nothing more than a just equivalent for the labor he performed.

From a view of the entire act, I entertained no doubt but it was proper for me to give to the contractors such a certificate as enabled them to be paid; and this opinion was confirmed by the advice of all the professional gentlemen I consulted.

Some provisions of the Code in relation to the assessment and collection of taxes, contemplated that it should take effect previous to the second Monday in August, 1852. As this could not be, to prevent embarrassment as much as possible, I thought it best that the Code should not become operative until the second Monday in January, 1853, so that the taxes for the current year might be assessed and collected under the pre-existing laws. Consequently the proclamation I was required to issue and have published, was delayed until the day of November, 1852, and the Code became the law of the State, sixty days thereafter.

I am aware that the Code has been assailed in many parts of the State as a work, not only remarkable for its defects, but for provisions inexpedient and unwise. The objections to it have been fruitful topics of discussion, and in some counties were important elements in the canvass, preliminary to the last election of members to the General Assembly.

In my Message communicated at the opening of the last session of the General Assembly, I remarked the Code had not been submitted to me for my examination and report, as required by the act under which the commissioners were appointed; consequently I was unprepared to express an opinion upon the merits of the entire work. I however venture to say that different portions of it which I had heard read, introduced many valuable changes demanded by public opinion, and which were indicative of much thought and laborious research. A fuller examination of the work has confirmed me in the correctness of this remark, while I am persuaded it is perfect, and contains provisions that should be repealed or essentially modified.

These defects are not the result of the incompetency of the commissioners for the task assigned them. A Code of Laws adapted to a people of such diversified interests, and a State of such importance and growing consideration as Alabama, required more time in its preparation than the commissioners, incumbered with official and professional engagements, devoted to it. To the haste with which the work was prepared, rather than any other cause, its defects must be attributed.

The question arises, shall it be repudiated, and the body of laws which it was intended to supercede become operative, or shall we endeavor to supply its defects with amendatory and supplemental enactments? To this question it seems to me, with all due respect, there can be but one answer—let us endeavor to make the Code more perfect.

Impressed with the propriety of this course, I recommend the appointment of a *Committee on the Code*, by each House to act jointly, and that the entire work, and all propositions to amend it be referred to this committee, who shall report thereon, from time to time as they think proper.

All amendments should be made in terms, brief and terse, and corresponding as near as may be to the language employed in the Code—should state what particular section is intended to be substituted or modified—or where the amendment is entirely new, a place should be assigned it by numbering it as a section, and arranging it under the appropriate part, title and chapter. At the close of the session, all the amendments, in addition to being published with the other acts, should be stitched in a distinct pamphlet, for the convenience of reference, as a mere appendix to the Code. If this suggestion is adopted and acted on in the spirit of conciliation, it seems to me that all just ground of complaint may be removed; and availing ourselves of the work of the commissioners, except so far as expediency demands a departure, we may present to the people a body of statute laws in harmony with the progressiveness of the age in which we live.

I do not propose to particularize the defects of the Code. This would be a task requiring examination, consultation and time. The discussion to which I have referred, have doubtless subjected it to severe criticism, and its imperfections, both supposed and real, will be brought to the notice of one House or the other.

COMMISSIONER AND TRUSTEE TO SETTLE AFFAIRS OF STATE BANK, &c., &c.

What amount of the public funds that were placed under the contrall of the commissioner and trustee, are still unexpended; what balance remains in the Treasury, will appear from reports which will be laid before you at an early day.

State stocks have largely appreciated within the last three or four years, and are generally sought as a safe investment of money. The reduction of the bond debt of Alabama—her ample resources, and the unfaltering purpose she has manifested to meet her liabilities, have given to the State a most enviable credit at home and abroad. Our outstanding bonds amount to a few thousand less than *four and a half millions* (unless it has been reduced within the last two years)—all of which are *five per cents*, with the exception of eight hundred and twenty-nine thousand of *six per*

cents, payable in 1870; \$594,667 67, are payable in London in 1858, but are renewable at the pleasure of the State. No other bonds mature until 1863.

It is hardly probable that we shall be able to purchase our six per cent. bonds at par, previous to their maturity. Indeed, I suppose our five per cents. have not been pressed on the market, except in small sums, within the last two years, and that the quotations have been merely nominal—altogether below the actual sales.

If it should appear that the State will have an excess in the Treasury of any considerable amount, this should be made productive, if it can be done without too great risk of loss. I do not know, but suppose that loans might be made, to a limited extent, to some of our Rail Road Companies, whose works have progressed so far as furnish a guarantee that they will be completed, or perhaps where the subscriptions of stock are ample. If the General Assembly shall be willing thus to aid the construction of Rail Roads, it could require the pledge of the road, with personal or real security, or both, in the form of a Deed of Trust, or Mortgage, with a power of sale—making the interest, which should be six per cent., payable semi-annually, either in London or New York, and requiring the re-payment of the principal at the times when, and places at, which our bonds are payable.

If a loan were thus made, the rail road could be completed previous to its maturity, and if the available means of the company were insufficient to enable it to repay, it could probably by hypothecating its road borrow money, upon showing that its nett income would pay the interest and raise a sinking fund to extinguish the principal in a reasonable time. Such loans would not only be beneficial, by securing to the State, interest upon its funds, but the construction of the roads they aided would enhance the value of property and expand business along their lines and between the points they connected, and thus increase our revenue.

I cannot positively affirm in advance of the report of the Commissioner and Trustee, that the expenses of his office should be reduced, or its duties transferred. It is, however, inferred that the debts due the State Bank and Branches have been collected and secured to such an extent, and the business in other respects so much diminished and simplified, that the salary may be much reduced, or if the General Assembly are indisposed to continue the office, its duties could be devolved upon the Comptroller of Public Accounts. But in the latter case, it would be necessary to elect an Assistant Comptroller, with power to discharge the duties of his principal in the absence, &c., of the latter. This additional machinery would be indispensable, as in attending to the business of the Banks, it would be necessary for the Comptroller to be absent for days, and perhaps weeks from his office.

It would not do to transfer the assets of the State Bank and Branches to the seat of Government, nor to dispense with the ser-

vices of an agent at each of these, unless the Branches at Huntsville and Decatur are in a condition to make it proper to place their assets in the hands of a single agent. The General Assembly may judge of this when they see the report of the Commissioner and Trustee. But the propriety of continuing the local agencies is abundantly apparent from the large proportion of bad and doubtful debts that have been collected, and of which there are still large sums due. The discontinuance of agencies or the transfer of the assets would be productive of heavy losses. The extent of future collections from debts classed and unclassed, must depend mainly upon the watchfulness and industry of local agents and the extensive power of the Commissioner and Trustee.

BANKS AND BANKING.

Under the act of February 12, 1850, "to authorize and regulate the business of banking, and the amendatory act of February 9, 1852, and the supplemental act of February 10, 1852, stocks were deposited since the last session of the General Assembly with the Comptroller of Public Accounts, by William Poe, and such steps taken as these enactments contemplate to authorise the Depositor to commence the business of banking. The bank thus established is designated the Bank of Montgomery. Of this transaction you will doubtless be more particularly informed by the Comptroller, and I will only add that the character which the Banker has long since established for integrity and business qualifications, afford the most satisfactory guarantee that his Bank will be judiciously and honestly managed.

Immediately after the passage of the act of February 10, 1852, "to incorporate the Northern Bank of Alabama," I appointed Commissioners to receive subscriptions for stock, pursuant to the charter. On the day of August last, I was informed in the mode required by the act, that more than two hundred thousand dollars had been subscribed to the stock of the Bank, and half this sum had been paid in gold and silver: and that the stockholders had elected a Board of Directors, &c.

Thereupon I caused my proclamation to be issued and published, stating that this report had been duly made to me, and that the Company had the requisite amount in gold and silver of their own absolute property, and were authorised under their charter to commence banking operations. Since which I learn that the President and Directors have regularly commenced business.

In my message of December 20, 1849, I discussed, at considerable length the subject of Banks and a Paper Currency. The views then expressed have my concurrence, and without now reiterating them, I merely recall your attention to their consideration.

The large circulation amongst us of the Bank bills of other

States, is a clear indication that our Banks do not furnish a sufficient paper currency to satisfy the wants of our people or meet the demands of business. I therefore renew the recommendation I made to the last General Assembly, to incorporate one Stock Bank with a capital not exceeding half a million of dollars, with rules and restrictions substantially conforming to those contained in the act "to incorporate the Southern Bank of Alabama." Should this recommendation receive the favorable consideration of the General Assembly, the bank provided for, should be located at the place where it can best sustain itself, is most needed and the stock will be promptly subscribed for and paid.

By section 3271 of the Code of Alabama, it is made an indictable offence to pass or circulate in this State any bank bill of a less denomination than five dollars, not issued under the authority of the Legislature. Our banks, with the exception of such as do business under the authority of the laws "to authorize and regulate the business of banking," are prohibited from issuing such bills. The two and three dollar bills of the Bank of Montgomery supply the demand to a very limited extent, and the circulation of silver and gold coin, it is said, has been altogether insufficient to make up the deficiency. The consequence has been that gold has occasionally sold at a premium from one to three *per cent.* upon our best paper, and silver perhaps at a higher price; and in addition to this the prohibition of the Code has been disregarded in countless instances.

It is but reasonable to suppose that the vast influx of gold, and the increased coinage of small coin of that metal at the mints of the United States, will within a short time be adequate to the demands of the enlarged and expanding business of the country. Until, however, this shall be the case, the smaller coin cannot enter largely into circulation, and will continue to sell at such a premium as the wants of the people may induce brokers to require. This premium, be it what it may, will in the end be borne mostly by the agricultural community—the purchasers of public lands—the consumers of merchandise, &c. To remove as far as may be the inconvenience resulting from such a state of things, and the temptations to violate the provisions of the Code, I suggest the propriety of consulting public opinion on this subject, and if the people wish it, so amend the charters of our banks as to authorise the issuing of bills of a smaller denomination than five dollar bills to a limited extent—providing, however, that such bills shall not be tolerated beyond a certain time, but at the pleasure of the Legislature.

On the day , 1852, I received the report of the Commissioner and Trustee to settle the affairs of the Bank of the State of Alabama and its branches, informing me that he had sold the stock held by the State in the Bank of Mobile, pursuant to the act of February 4, 1852, investing him with that power. The

report was accompanied by a copy of the contract for the sale and transfer of the stock. I briefly expressed to the Commissioner and Trustee my first impressions in writing, as to the legal effect of the contract—doubted whether it so divested the interest of the State in the Bank as to relieve me from the duty of appointing Directors to represent the state stock as the Governor had previously done. But as it was a matter about which professional men might well differ, and the act referred to, conferred the power of sale and transfer upon the Commissioner and Trustee alone, I decided not to withdraw the authority of the State's Directors, but to forego the appointment of others for the present year—being confident that this decision would work no injury to any interest. The report of the Commissioner and Trustee will no doubt impart full information on this subject.

UNIVERSITY, EDUCATION, &c.

The report of the Trustees of the University, which will be laid before you at an early day, will inform you that the Institution is in a healthful condition. A number of its graduates are successfully engaged in the honorable and useful profession of Teachers in Classical Schools; and the applicants they annually send up for admission to the University are quite as well prepared, not to speak invidiously, as any who are initiated.

The accommodations are too limited for the number of students who seek admission, and the Board of Trustees propose to enlarge them, as the judicious use of their funds will allow. As the number of preparatory schools of a high order increase, we may confidently expect, judging from the past, there will be a corresponding increase of students.

As required by the act of the last Legislature, I caused to be erected at a cost within the appropriation, a suitable fire-proof building on the University grounds intended for the reception and safe-keeping of the set of balances for the adjustment of standard weights and measures furnished this State under the authority of Congress. The superintendent of weights and measures has been informed of the preparation of the house for the reception of the balances, and an agent of the Government will no doubt be despatched in due season to put them up. The member of the faculty under whose supervision they are to be placed will perhaps prepare a paper upon the subject to be laid before you.

Elections were holden on the third Monday in August last, in many of the townships, pursuant to the act of February, 1852, "to provide for taking the sense of the voters of the several townships of this State in regard to the consolidation of the sixteenth section fund." The majority of those voting in most of the townships in which elections were holden, voted in favor of consolidating the fund. But the townships thus voting are less than a

majority of all that are in the State. Indeed, it is very questionable whether the majority of the voters of a township can divest or impair the rights of the minority to the sixteenth section fund. It is altogether certain that the vote of one township can have no effect upon another, or the educational funds of the minority be controlled by the majority of townships. The act referred to and the consequent election has effected no result, and the Legislature must be contented to permit the sixteenth section or its proceeds in each township to remain the property of the inhabitants of the townships severally. In both my preceding regular messages I have said that the terms on which the sixteenth section fund was granted by Congress created such a trust, and that the highest court of this State had so decided. I am aware that some persons have not hesitated to denounce this decision, upon the bold and unsupported assumption that Congress must have intended by the grant of section sixteen *to the inhabitants of the several townships*, to create an educational fund for the benefit of the whole State—an assumption that never would have been indulged but for the sale of many of these sections and an investment of the proceeds in State stocks, the interest on which is an annual charge on the Treasury. The State owes no debt that should be held more sacred than the yearly payments it has stipulated to make to the townships in whose favor it has issued stock.

The sixteenth section in Ohio, and I presume the other States in the same category with Alabama in respect to their school lands, is regarded as the property of the inhabitants of the townships of which they constitute a part; and the monies derived from their rents or sales, essentially a *trust fund* held by the State for the specific benefit of the schools of the particular township to which the sections respectively belonged.

In Michigan, and perhaps other States, the proceeds of sixteenth sections and other lands granted for the support of schools, are by constitutional provision, made a "*perpetual fund* for the support of schools throughout the State." The State being admitted into the Union with this provision, the townships can claim no exclusive right to the sixteenth section or its proceeds, situated within them, respectively.

It is unfortunate for the cause of education in Alabama, that our legislation is so much restricted in respect to this fund; but we must submit to a necessity that we cannot control.

Allow me, without repetition, to invite your attention to what I said in my previous messages on the subject of popular education—the propriety of providing for the appointment of a superintendent of instruction—of securing the services of competent teachers—of making the sixteenth section fund productive of greater benefits—of permitting any county or incorporated city or town, with the approbation of the voters therein, to levy a reasonable tax in aid of common schools within their limits, &c., &c.

Immediately after the adjournment of the last Legislature, I took the appropriate steps toward the execution of the act of 1852, "For the relief of the deaf and dumb in the State of Alabama." I caused notice to be given through the press and otherwise, of the provisions of the act, &c.; and after correspondence and enquiry, deemed it best to make a temporary location of the school contemplated, at Robinson's Springs, a pleasant and healthy rural village in Autauga county, surrounded by an intelligent and moral population. James A. Watterson was employed as a teacher, and though a deaf mute, has proved himself faithful, and thus far, competent. His employment was doubtless expected, as due to his meritorious efforts in pressing the appropriation under which the school was established.

I have endeavored to awaken public interest in this school by sending to every county information of its establishment, the terms on which its benefits may be enjoyed, &c. I have called upon the parents of indigent mutes to send their children, and have offered to receive the children of more favored parents upon the payment of board and a very reasonable tuition. Mr. Watterson has sustained me by travelling and correspondence in different parts of the State; and the press, too, has lent its aid. Notwithstanding all these appliances, we have been able to draw together but very few pupils. Such institutions, I observe from the reports in other States, languish from the same cause. Discouraging as this is, we should not despair. If we educate but few, the expenditure will be in proportion to the number; and these few should not be neglected because the parents of the many are indifferent to the education of their unfortunate children.

In due season, a report will be made as required by the act, showing the application of the fund appropriated and its results. In the meantime, I advise a renewal of the appropriation, and the permanent location of the school under the immediate supervision of a competent board of trustees. Suitable buildings and grounds, it is supposed, would be offered free of charge, or at a very trifling cost.

I also deem it a high moral duty to make provision for the education of the blind, and again recommend an appropriation and the establishment of a school for that purpose.

JUDICIARY, AND ELECTIONS BY THE PEOPLE.

In my preceding biennial messages, I made some suggestions in relation to the judiciary, and will not now repeat all I there said. Allow me, however, to recommend an increase of the salaries of the judges of the circuit court and chancellors. This measure is due to the labor these officers are required to perform, and is necessary to impart a decent respectability and dignity to the offices.

The constitution should be amended so as to permit the Legis-

lature more perfectly to equalize the labor of the circuits, and if deemed expedient, to reduce their number.

It is difficult to perceive of any reason founded in sound policy which renders proper the election of judges of the circuit court by the people, that does not apply to the judges of the supreme court and chancellors. The interest of the people will always make the masses honest in the exercise of their civil rights. Misplaced confidence in demagogues and politicians by profession, may cause them to be deceived; but they are generally prompt to repair their errors. It is a high moral duty to inform themselves before they act upon any question that may affect the public interest; and as power is restored to them they will be apt to manifest increased caution and inquiry.

Impressed with the correctness of these views, I recommend that propositions be submitted to the people so to amend the constitution that the Judges of the Supreme Court and Chancellors shall be elected by the people. And I would advise that the Attorney General and Solicitors of the several circuits, the Secretary of State, the Comptroller of Public Accounts, and the Treasurer of the State shall be embraced in the same or similar propositions.

These elections, if the propositions are sustained by the people, as well as those of the Probate and Circuit Judges, should all take place at the usual time of holding elections for members of the two Houses of the General Assembly. Indeed, our experience for the last three or four years has satisfactorily demonstrated that our people have been so long accustomed to the summer canvass, that it is difficult to induce even a majority of voters to attend an election in May.

Unless the Judges of the Supreme Court should be chosen by districts, it would be well to provide that not more than one of them shall be elected at the same time; and that the Secretary of State, Comptroller and Treasurer should not more than two of them be elected in the same year. Such a provision might prevent the exchanging of votes and occasional combinations prejudicial to the public welfare.

TAXES—THEIR ASSESSMENT, COLLECTION, &c.

Previous to the operation of the Code, the law did not declare when the "tax year" began and ended; consequently, the tax which was annually assessed and collected was for the entire year, beginning with January and ending with December, although if the owner divested himself of the title and possession of property previous to the first day of March, he would not be chargeable with the annual tax.

Under the Code, the tax year begins on the first day of September, and ends on the 31st of August. The Code was not published as early as some of its provisions contemplated; conse-

quently, the time of its operation was postponed, that the assessors of taxes might be appointed, and the collections made under the old law for the present year. But Assessors were appointed in August last, who are required to assess the tax in their respective counties between the first of September and the first of January, so that the assessment for a period subsequent to the current year, and the collections due up to its close, are being simultaneously made. This condition of things must necessarily devolve upon the court required to sit in each county on the 2d Monday in January "for the purpose of examining and correcting the assessment books," a large amount of labor, as in many instances, slaves, horses and cattle may die, houses be destroyed, property sold, &c., &c., after the assessment, and previous to the first day of January. Besides, the assessment now being made, can only authorize the collection of taxes up to the 31st day of August, 1854, when the tax year ends.

I have brought these matters to your notice that you may apply such legislative remedy as in your judgment is appropriate. Allow me, however, to suggest whether it would not promote convenience without public detriment, to extend the tax year from the first of January to the last day of December, and to close the fiscal year on the 31st day of October. Such an enactment would make it easy to adopt the assessment now being made, after it had passed the revision of the correcting court—merely requiring the assessors to assess the sales of merchandise, &c., between the first of September and the first of January.

It is impossible to frame a revenue law of which all persons interested and disinterested will approve. An *ad valorem* tax, it is generally conceded, is the most equitable, because it adjusts the public burthens in proportion to the value of the estate of the taxpayer. It could not be expected that enactments embracing such a variety of objects as our tax laws, should escape objections. Complaints have been made that the system, in some particulars, is difficult to be executed. Further, that the *ad valorem* principle is not sufficiently adhered to; and, as an instance, it is said that the increase in the price of slaves within the last half dozen years, has subjected lands to a much higher tax in proportion to their value; and that the influences that have caused this enhancement of the value of slaves, will most probably continue for years. It is also objected that vehicles and teams, employed principally in the carriage of merchandise and other articles of value for a reward, should be regarded as stock in trade, and taxed in proportion to their value, or upon their income. While I would dissuade from amendments of our revenue laws with a reckless or incautious hand, the objections I have specifically mentioned, have been so often brought to my notice, that I have felt it proper to suggest them for your consideration.

The maps prepared in 1848, intended to show what lands were

private property, and what were public and unappropriated, were prepared in great haste, at a cost far below the value of the work performed by the draftsman; and, consequently, were exceedingly imperfect. The correction of these, or the substitution of new ones in some counties two or three years ago, perhaps, made the corrected or substituted maps about as accurate, down to that time, as we could expect them to be. I proposed to correct the remainder of the maps, and bring down by registers, the lands entered, &c., in each county up to the first day of April last, as required by the Code, and with that view the Treasurer, at my request, opened a correspondence with the local land officers, the result of which, and of consultation with the Comptroller and Treasurer, was a conviction that the only mode in which could be shown, with correctness, the lands sold, the date of the sale, the name of the purchaser, and the description of the tract, is a full and complete register, beginning with the earliest sales or appropriation of lands situated within our borders, and continued down. This would be a work requiring much time and labor, at a cost, perhaps, not less than ten thousand dollars. As the Code was adopted under peculiar circumstances, I suppose that the provisions referred to were unknown to the majority of the General Assembly, and the probable expense of their execution would involve, estimated by a still smaller number, and, therefore thought it best not to incur the expenditure. I now refer the subject to your consideration, for additional or modified legislation, if you deem it proper.

THE PENITENTIARY, &c.

In obedience to the act of the last session of the General Assembly upon the subject, I did, on the day of , 1852, lease the Penitentiary to M. G. Moore and F. Jordan, for the term prescribed, at six hundred and fifty dollars a year, and received and approved their bonds as soon as they could conveniently be prepared, considering the distance at which the lessees lived from the seat of Government. On the day of , J. G. Graham, the preceding lessee, delivered to them, possession of the establishment.

The lessees are men of established reputation for intelligence, humanity, honesty and adaptation to the practical business of life. No one can pass through the Penitentiary, examine the interior, and observe the apparently comfortable condition of the convicts, without being impressed with the belief that the head of the establishment is competent to direct its affairs judiciously, and at the same time care for the unfortunate laborer.

You will doubtless receive, through the reports of the Inspectors and physician, such information of the condition of the Penitentiary, its wants, improvements, &c., as may be necessary to any legislation upon the subject.

Under an act of the last session, I appointed Nimrod E. Benson the agent on the part of the State, to settle with J. G. Graham, the late lessee. The agent made a settlement with Mr. Graham on terms quite as liberal as the law under which he acted would permit, which, of course received my approval. The late lessee objects that this settlement unjustly affects him. I do not remember his precise objections, but I incline to think it would have been better if the law had not restricted so narrowly the powers of the agent. If Mr. Graham claims a greater measure of justice, he will doubtless seek it at your hands.

At my annual visit to the Penitentiary last year, I observed that there was a deficiency of books, such as should be furnished to the convicts to read on Sunday and during moments of relaxation from labor. I made this known to some benevolent individuals, and thus caused the demand, to some extent, to be supplied. The library is still much too limited, and I therefore renew my recommendation to appropriate at least one hundred dollars annually, for the purchase of such books as are best adapted to the condition of the convicts and their moral improvement.

Since I have occupied the Executive chair, I have had occasion to examine the cases of convicts, whom I was satisfied should never have been convicted; and of many more who had been sentenced for a term much longer than the offence committed deserved. Under the wisest administration of justice, such incongruities occur, without deserved censure upon the judge or jury. False and defective testimony, as well as other causes, may lead to such results. In some cases of this description, and in many others, I have, under a commanding sense of duty, exercised the clemency with which the Constitution invested me. My reasons are of record, and I am willing that they abide intelligent scrutiny.

I will merely add, that there is great inequality in the term for which different judges sentence convicts to the Penitentiary for similar offences of equal enormity. It is perhaps impossible to remedy this otherwise than by restricting within narrower limits the discretion of the judges; and yet it is difficult to restrict their discretion, and at the same time sufficiently distinguish between cases of the least and greatest enormity. In every instance in which an offender is sentenced to the Penitentiary, the judge trying him, should make a condensed report of the facts to the Executive, with such suggestions as he may deem pertinent. This report will aid the Governor, should an application be made for a pardon.

SLAVES—SALE OF UNDER EXECUTION, &c.

The Code very properly provides that slave children of tender

years shall, at judicial and some other sales, be offered with their mothers, where the defendant in execution, &c., is the owner both of the mother and children; and that at such sales, slaves must be offered and if practicable, sold in families. But it is allowable for either of the parties in interest to impair, to a great extent, these very salutary enactments. These provisions, in my judgment, should be absolute, at least as it respects mothers and children of ten years of age and under, and husband and wife, where the latter relation is admitted by the owner of the slaves. These are relations which moral duty requires us to respect, and it can be no violation of policy to conform municipal law to good morals. It is universally conceded that slaves are reasonable beings—with the moral feelings, it is true, often obtuse, but susceptible of improvement. The husband and wife generally cherish affection for each other, and the natural attachment of mother and child are usually strong. The mother is not always a wise counsellor, but she must be presumed to be the most constant and sincere the child has. Let, then, the latter enjoy this parental oversight during childhood, that it may be the better prepared by good principles and industrious habits, to act its part afterwards.

The propriety of exempting slaves from execution, either to a partial or unlimited extent, is a question of expediency merely—an excess of credit is certainly a great evil in this State, often prejudicial to the interest of the debtor, occasionally so to the creditor—injurious to public morals and productive of much suffering in families. So far, then, as such a measure may affect credit, it is not very objectionable. It is entirely easy for the owner of slaves or other property, to withdraw it from liability to creditors, by a gift made in good faith to his wife or children when he was free from debt, though he afterwards retain possession and become indebted. Notwithstanding such a gift, the donor is usually permitted to enjoy a portion of the income derived from the property if necessary to his personal support. The purchase of an exemption of slaves from execution, by causing their names to be registered with the Probate Judge, will but substantially effect the same purpose, and is certainly not more prejudicial to credit and the rights of creditors.

The relation of master and slave is certainly an interesting one—the severance of which is painful to the kind and considerate master and the dutiful and grateful servant. Our interest in slaves cannot be regarded in all respects similar to that we enjoy in mere beasts or inanimate chattels. This is indicated by the provision which so many masters are making for their moral improvement as well as the severe penalty by which our Legislative acts endeavor to enforce their humane treatment.

What effect the measure referred to would have upon the institution of slavery at home, I am not prepared to say. Whether public sentiment demands or would approve it, coming directly

from the people, you will be able to determine. No enactment of such political importance should be passed without an assurance that popular opinion will sustain it, lest by re-action, injurious consequences may result.

LINE BETWEEN ALABAMA AND GEORGIA.

The decision of the Supreme Court of the United States in the case of Howard vs. Ingersoll from the Supreme Court of Alabama, and Howard & Eckolls vs. Ingersoll from the Circuit Court of the United States for the District of Georgia, makes it my duty to call your attention to this subject. In the latter case, the question was whether "*low water mark*" along the western bank of the Chattahoochee "*at its lowest state*," and the former, whether "*ordinary low water*" was the line between Georgia and Alabama.

The Court decided that neither of these points marked the line, and that the boundary line between our State and her sister on the East, runs along the high Western bank of the Chattahoochee—leaving the bed of the river and the shelving shore on the West within the jurisdiction of Georgia. This decision is directly opposed to all previously expressed opinions on the part of Alabama. The Legislature of this State, by resolutions of February, 1846, declared, that the true intent and meaning of the parties to the articles of cession and agreement between the United States and Georgia of the 14th of April, 1802, were, that Georgia should retain the Chattahoochee within her own limits and cede to the United States all her territory West of the river; and that the river from the northern line of Florida up to the great bend, should become the boundary line to the lands thus ceded to the United States by Georgia; that upon no just or liberal construction can Georgia exercise or claim jurisdiction over any soil West of the ordinary channel of the Chattahoochee; and that the line designated by the margin of the river against its western bank at the ordinary stage of water "is the true line of boundary between the States of Georgia and Alabama." These resolves, I had supposed, conceded to Georgia the utmost limits she could claim. Indeed, I believe, they contain a brief exposition of the articles of cession, expressed in terms of remarkable accuracy and exactness.

I do not object that the Supreme Court of the United States reversed the judgment in both cases before it. The decision of the primary court in the Georgia case was clearly erroneous—and the Alabama case, if not positively adverse to the law, might have been reversed on the ground that the ruling on the Circuit must have misled the jury. But in attaining these conclusions it was not necessary for the court to have decided that the boundary line between Georgia and Alabama run along the top of the high Western bank of the Chattahoochee. The facts in the records clearly indicated that it was not necessary for the court to have determined on what

precise point along the bank, the line run—it was quite enough to have said it run as high as the point marked by the water at its ordinary stage. This would have entitled the plaintiffs to recover in both cases, and left the question of State boundary to be settled in a direct proceeding.

The opinion of the court was not unanimously concurred in. Though all assented to judgments of reversal, three of the Judges expressed opinions substantially agreeing with our resolutions of February, 1846.

All we have ever desired is, that the articles of cession shall be interpreted with an enlightened reference to the established principles of construction—good faith—the subject matter and object to be effected—common sense, and the probable meaning intended to be given to controlling words, are sure guides to explicate the intention of the parties. If these lead to a conclusion against us, we should submit. But as the decision referred to, has been made under circumstances of which he may justly complain, is prejudicial to many of our people, and the argument was concurred in by a bare majority of the court, I submit it to your discretion to determine whether you will make provision for the initiation of a suit under the Constitution of the United States, which shall directly put in issue the question of boundary.

THE MILITIA AND THE MILITARY.

In obedience to a law of the last session I caused the appropriate orders to be issued during the past and present years, requiring the militia to be paraded at the Court Houses of their respective counties, on days appointed, that they might be reviewed by me. In most instances, the orders were promptly extended, but in others the absence of officers—a want of familiarity with duty, or vacancy in office, prevented their extension.

In some of the counties, the number on parade, bore a reasonable proportion to those subject to duty—while in others there were no parades, or a meagre exhibition of the strength of the militia. Generally, neither officers nor men discovered the taste for the military or the acquaintance with military tactics, which was seen thirty years ago. This remark of course does not apply to the well disciplined volunteer companies which I reviewed in different parts of the State.

A few of the counties I did not visit, either because I learned that there would be no parade, or because occurrences beyond my control prevented.

Although I had traveled extensively through the State some years since in the performance of official duties, I had not conceived a just estimate of her resources. In variety and value they exceeded all my previous calculations; and the progress of the people in whatever gives dignity and elevation to character is most clearly marked.

The people are most decidedly opposed to militia musters. Persons having the greatest distaste for such displays are sometimes elected officers with the tacit, if not express understanding, that they will neglect their duties and connive at the defaults of others. Frequent resignations—an unfitness for the station, and many other causes, make it difficult to organize a court martial, or if subordinate courts impose a fine, their sentences are often effectually annulled by appeals to higher courts that are never holden.

Public opinion is resistless and should be respected. Our people still cherish the spirit of chivalry, and whenever there is a call to arms, they will obey the summons with a patriotic zeal, which the history of the past does not exceed. No knowledge of tactics is acquired at our ordinary militia musters and drills. Indeed, they are most usually the occasions for the exhibition of indifference, insubordination and disorder—furnishing opportunities, which are often improved, of settling disputes under the influence of intoxication and other excitants unfavorable to reason.

These considerations induce me to recommend a revision of the militia laws, so that musters and drills be dispensed with in times of domestic quiet, or when the peace of the country is not threatened. The organization of volunteer companies should be reported annually to the Adjutant General, stating their strength, to what regiment they belong, &c.

The organization of the militia should be continued by causing all resignations and elections of officers to be communicated to the secretary of State, and commissions to be issued as at present required. The assessors and collectors of taxes should be required for a reasonable compensation, to report to the judge of probate of their respective counties, the number of males subject to militia duty—designating the beat in which they live. These returns should remain in the office of the judge of probate and copies be delivered to the proper captains. Such reports would furnish us the most accurate returns of the strength of the militia we have ever obtained.

Persons subject to militia duty who do not join a volunteer company, should in consideration of being relieved from attending musters, be taxed a sum not exceeding one dollar a year. The tax thus collected, should be expended, 1st. In the establishment of and support of a school of the Polytechnic order, in which military exercises should be practised, and tactics, engineering and other branches essential to a complete military or practical education should be taught. Then, we should have a nucleus, around and with the aid of which we could promptly send an armed force into the field upon every requisition. In addition to this, we could educate many for the ordinary business and duties of life—train our civil engineers, and to some extent supply the demand from abroad for this growing branch of service.

2d. As the fund would be ample, we should also establish an

Agricultural school, with a small experimental farm attached. Such an institution would give increased dignity and honor to agriculture—cause the planting interest to place a higher appreciation upon their business—teach them that the proper cultivation of the soil, the arrangement of the farm and the homestead with a view to comfort, profit and beauty, require a knowledge and the application of science far beyond what is now generally possessed and employed. Book-farming, as it has been called in derision, would be exemplified; and the great benefits resulting from it in the preservation and improvement of their productions, would serve as examples to be “seen and read of all men.”

MISCELLANEOUS.

The late Secretary of the Interior conceded that the act of September, 1850, granting the swamp and overflowed lands within our limits to the State, requires the designation of these lands to be made through his Department, and I believe caused the local land officers to be instructed to make out lists of the swamp and overflowed lands in their respective districts, by a reference to the field or descriptive notes in their offices. I took leave respectively to suggest to that officer that there was no reliable data in these offices, from which lists could be made out with any approximation to accuracy, and that Congress should be so informed, that an appropriation could be made if deemed expedient. My suggestion has, however, been disregarded and it is supposed that the land officers have transmitted papers professing to designate the swamp and overflowed lands in their respective districts. I recently received from the Commissioner of the General Land Office the copy of such a paper for the Tuscaloosa district, which specified but 2595 acres of such land, with the request that I would ask a patent therefor. I answered by a respectful protest against the mode in which the lands were selected—stated that a bird's-eye view would discover at least thirty thousand acres and the compass and chain many more—and declined asking a patent, with the assurance that the matter should be referred to you.

According to an estimate communicated to Congress by a late Commissioner of the General Land Office, the quantity of swamp and overflowed lands granted to this State by the act of September, 1850, was 436,450 acres—some of this has doubtless been sold and the money paid in or accounted for, to the federal treasury. I respectfully recommend that Congress be requested to cause the lands granted by the act to be accurately designated and a patent issued therefor, and the money received for such as have been sold to be paid over; or that you adopt some other measure promising equal benefit to the State.

Shortly after it was determined by joint committee of the last General Assembly in which county the State Hospital for insane

persons should be located, I appointed Dr. A. Lopez, of Mobile, upon the recommendation of the same committee, to perform the duties required by the twenty-third section of the act in relation to the Hospital. The time allowed by the act within which Dr. Lopez was to submit his report, was too short to permit him to make the inquiries and examinations required; consequently it was not made for several weeks after, the first of June, 1852. No inconvenience, however, resulted from this, but the delay was compensated by the full and instructive report he furnished.

The particular site selected for the Hospital is on lands adjoining our University grounds, and in full view of the University buildings—barely two miles from the city of Tuscaloosa, and much nearer where it is supposed the line of the North-eastern and South-western Rail Road will run. The grounds attached to the site contain more than 320 acres, and are believed by the commissioners appointed by the joint committee, to possess every requisite prescribed by the act.

I shall doubtless be furnished with the report of the Trustees in due season, which will contain all the information that is important upon this subject.

At a Convention of Delegates from some of the Southern States, assembled in this city in May last, an "Agricultural Association of the slaveholding States" was organized by the adoption of a constitution and the election of officers. This Association unanimously adopted a resolution declaring it was expedient for each of the Southern States, in connection with the Chair of Agricultural Chemistry, in their Colleges or Universities, to provide an assistant Professorship, "the duties of which shall be to analyze soils, manures and vegetable productions," unless such provision shall be made in an Agricultural school established by the State. With equal unanimity it was recommended to the several States participating in the Association to cause Geological and Agricultural surveys to be made at as early a day as practicable.

I fully concur in these resolutions, as indicated by my message at the opening of the last General Assembly, and herewith transmit copies which the Secretary of the Association has communicated to this Department for your consideration.

Immediately after I was informed of the passage by Congress of an act extending the time for the selection by this State, of lands in lieu of the sixteenth sections within the territory acquired from the Chickasaw Indians by their last cession, I appointed an agent upon his own solicitation, who after some delay, resigned in consequence of the bad health of himself or some member of his family. I then appointed a successor upon an assurance that he would promptly act, who perhaps after quite as long a delay, resigned, I understand, upon the ground that the terms of the act of the last session under which he was appointed were not agreeable to him.

Since these several resignations, I have appointed Erasmus N. Mathews, of Franklin county, who has undertaken to perform the duties of his agency with all reasonable promptness. He is satisfactorily represented to me as entirely trustworthy and competent; and I sincerely hope that through him this hitherto troublesome business may be closed at an early day.

I again call your attention to the salary of the State Treasurer. The sum now allowed him is not an equivalent for the responsibility of this officer, or the services he renders. He executes an official bond with sureties in the sum of two hundred and fifty thousand dollars—receives more than a half million of dollars from tax collectors, to say nothing of receipts from other sources—is subject to loss from spurious coin and counterfeit bank bills. In addition to this, he is charged with a heavy correspondence, keeping books, &c.

The facility with which the present treasurer completes his bond, and the ability of his sureties, are proofs of his integrity; indeed, I regard the treasurer and his assistant as models in their department, and earnestly recommend the treasurer's salary to be increased to two thousand dollars.

Previous to the adoption of our Constitution, and since, many private acts of the Legislature have been enacted, some of which are indispensable elements in the titles to property, and most of them important in some point of view. None of the compilations of our statute laws, since that prepared by Judge Toulmin, contain any of these enactments—no regular file of them has been preserved among the archives of State; but they may be found in the session acts of the Mississippi and Alabama territories, and of this State.

I respectfully suggest the propriety of causing a digested index to be made of these acts, and reported to the next session of the General Assembly. Such a work would not require much labor, and is due to the many who are interested. It should be made evidence of the acts it would recite, subject to be controlled by the production of the original or an authenticated copy.

Pursuant to the act of the last session, "to authorise the appointment of an agent to settle and collect from the General Government, moneys advanced or expended during the Mexican war," I appointed Robert T. Scott, of Jackson county, to perform the duties contemplated. Mr. Scott has executed his agency with promptness, and to my entire satisfaction, and has transferred to the State Treasurer the funds placed to his credit by the Department at Washington. His time, trouble and expense, in my opinion entitle him to the highest compensation provided by the act, and I therefore allowed it.

As it is no longer doubtful that the Rail Road from the Alabama river, in the direction of Jackson, Mississippi, will be speedily completed, I recommend the repeal of the act of February, 1850,

“to dispose of the unappropriated portion of the five per cent. fund,” and all kindred enactments, so far as they authorize the loan of any portion of that fund to Plank Road companies.

Under the act referred to, the Cahaba and Woodville Plank Road company, upon a compliance with its conditions has received a loan of dollars.

It is very questionable whether the State has saved anything by the change from Annual to Biennial sessions of the General Assembly. Our sessions, under the change, have been protracted to three months. During the first two, but little business is done, thus the work of the session is thrown upon the last month, and the members, anxious to return to their homes, hurry to a close as speedily as possible. The consequence has been, that important business is neglected, and many of the Legislative acts are expressed in careless and inaccurate language, at variance with good taste.

While I will not advise a proposition to change the Constitution, I believe it would be altogether preferable to have Annual sessions, limited to six weeks, or if continued beyond that time, to allow no compensation to the members for the excess. Such a modification would expedite labor—certainly it would improve Legislation by quickening the industry of members, and inviting to your halls many who decline offering for seats in the Legislature, because they are unwilling to be absent from home as long as the present sessions require.

The reduction of the fees of the Clerk of the Supreme Court, by the act of 1848, was so great as to leave that officer a very inadequate compensation for his services. The increase by the act of the last session will add but little to the aggregate of his fees. There are now but few judgments rendered on certificate, and I suppose fewer records filed than there were a few years ago. These causes, together with the repeal of the fee for the final record, will account for the great falling off in the clerk's receipts. I recommend a revision of the laws upon this subject, and advise such an increase of fees as are due to the labor and qualifications that the office requires.

I deem it my duty to inform you that it has been necessary to draw largely upon the contingent fund to repair repeated injuries to the roof of the capitol, from storms or other causes, and to plastering and painting, from the consequent leaks. From the most satisfactory information I could obtain, I incline to the belief that the defects in the roof are mainly attributable to the manner in which the tin is laid down, and to make it secure and water-proof, for any length of time, it should be covered anew. The contractor is liable on his bond, and if you deem it proper you may require him to make good the defects of his work.

The duties devolved on me by acts of the last Legislature, have all been performed, except so far as I have stated in this commu-

nication. I am of opinion that the flues made in the State House at the time of its construction, for the admission of heated air to warm the two Legislative Halls, will be found too small, when the weather is very cold. Should this be so, other flues can be made, or the fire-places in the halls can be used.

The duties of Governor have been greatly increased within the last few years. Indeed, his labors may be said to be constant, though not onerous; and make it proper that he should reside at the seat of Government. I therefore recommend that provision be made for that purpose by an increase of salary or otherwise, as you may deem best.

No State seal has been provided by the Legislature, though some of our laws contemplate its existence. The seal now used has been silently adopted by the Executive, or Secretary of State, and is intended to represent the rivers of our State, though apparently unmeaning. I have devised a coat of arms, simple and significant, suitable to be impressed on a seal, and will hand the design to any committee to whom the subject may be referred.

Since the last session of the Legislature, I appointed Lyman Gibbons a Judge of the Supreme Court, *vice* Edward S. Dargan, resigned; and Joseph P. Saffold, Chancellor of the Southern Division, *vice* Joseph W. Lessesne, resigned. It is with profound regret that I announce to you the death of Chancellor Saffold. He was a man of great purity of character, and admirably adapted, by his attainments and the structure of his mind, to the station to which he had been called.

From the most reliable information I have been able to obtain, neither the yellow fever nor any other form of disease has existed as an epidemic in this city since the appearance of the frost on the morning of the 25th ult. True there has been some few cases since that day, of persons who were here for some time previously; but I have the most positive assurances, from physicians and others, that no person who has come to the city since the frost, has been attacked. Had my information been otherwise, I should have promptly employed my Constitutional power, to cause the meeting of the General Assembly at some other place than the seat of Government.

I sincerely hope that that unseen hand which "governs in the affairs of men," may control your deliberations, and that your acts may be eminently promotive of the public welfare.

H. W. COLLIER.

EXECUTIVE CHAMBER/

Montgomery, Nov. 15, 1853. }

Ordered that the Message be laid on the table, and that 1000 copies be ordered to be printed.

The Senate proceeded to the consideration of the order of the day.

The bill to repeal the 1749th and the 1764th sections of the late code of laws on the subject of the sale of slaves and real estate of deceased persons, was read the second time.

Mr. Cocke moved to suspend rule and give the bill its third reading forthwith; which was lost.

Mr. Baker moved to refer the bill to the Committee on the Judiciary; which was lost—Yeas 13, Nays 16.

Yeas—Messrs. President, Acklin, Ashley, Baker, Bethea, Brindley, Clanton, Dickinson, Hendrix, Hewlett, Malone, Powell and Watts.

Nays—Messrs. Blake, Bradford, Cocke, Crenshaw, Frazier, Gay, Hobdy, E. P. Jones, H. C. Jones, Kelly, Kimbal, Lee, Patton, Searcy, Webb and Woodward.

Mr. Watts moved to amend the bill as follows: Strike out "1749th" where it occurs in the bill, and the letter "s" at the end of the section before number 1749 and ; which was lost.

Mr. Watts then moved to amend as follows: Strike out all after the enacted clause, and insert, "that the sections 1749 and 1764 of the new code of laws, be so amended as to give the Probate Courts the power to order slaves sold, either at the court house or other place in the county.

The amendment was adopted and the bill ordered to be engrossed for a third reading.

And the Senate adjourned until to-morrow morning 10 o'clock.

NOVEMBER 16, 1853.

Senate met pursuant to adjournment.

Mr. President announced the following Standing Committees:

On the Judiciary—Messrs. Blake, Watts, Acklin, Webb, Malone, Baker, Hewlett, Cocke, H. C. Jones, Crenshaw and Dickinson.

On Banks and Banking—Messrs. Bethea, McLemore, Frazier, Patton, Powell, Jemison, Brindley, Ashley and Malone.

On Federal Relations—Messrs. Hewlett, Baker, Kelly, McLemore, Powell, Kimbal, Bethea, Watts and Dickinson.

On Privileges and Elections—Messrs. Woodward, Peterson, Searcy, Clanton and Gay.

On Propositions and Grievances—Messrs. Ashley, Bradford, Lee, Lamar and Clanton.

On Sixteenth Sections.—Messrs. Frazier, Webb, H. C. Jones, Patton, Hendrix, Cocke and Brindley.

On Education—Messrs. Malone, Peterson, Acklin, Crenshaw and Blake.

On Divorce and Alimony—Messrs. H. C. Jones, Ashley, Woodward, Kimbal and Gay.

On Retrenchments—Messrs. Frazier, Watts, Dickinson, Webb and E. P. Jones.

On Accounts and Claims—Messrs. Webb, Kelly, Peterson, Lee, and Hendrix.

On the Penitentiary—Messrs. Powell, Baker, Bradford, McLemore and Acklin.

On Agriculture—Messrs. Crenshaw, Woodward, Lee, Hobdy and Lamar.

On County Boundaries—Messrs. Brindley, Peterson, Woodward, Crenshaw and Hobdy.

On State Printing—Messrs. Malone, McLemore, Acklin, Patton and Dickinson.

On Roads, Bridges and Ferries—Messrs. Hendrix, Clanton, Hobdy, Gay and Kimbal.

On the Military—Messrs. Hendrix, McLemore, Kelly, Crenshaw and Bradford.

On Indian Expenditures—Messrs. Baker, Frazier, Hobdy, Peterson and Searcy.

On Enrolled Bills—Messrs. Cocke, Malone, Webb, Hewlett and H. C. Jones.

On the State Capitol—Messrs. Watts, Powell, McLemore, E. P. Jones and Woodward.

On the Rules of the Senate—Messrs. McLemore, Malone, Webb, Brindley and Cocke.

On Inland Navigation and Internal Improvement—Messrs. Bethea, Patton, Blake, Watts, Lamar, Jemison, Acklin, Baker and Hendrix.

On Finance—Messrs. Dickinson, Patton, Frazier, Webb, Malone, Baker and Powell.

Mr. Acklin presented a petition of sundry citizens of Madison county in behalf of Thomas Golden; which was referred to the Committee on Propositions and Grievances.

Mr. Cocke introduced a bill to exempt from sale, under any legal process, all necessary wearing apparel for the use of each family in this State; which was read the first time and ordered to a second reading.

Mr. H. C. Jones introduced a bill to authorise the issue of ancillary attachments; which was read the first time and ordered to a second reading.

The Senate proceeded to the consideration of the order of the day: The Engrossed Bill to repeal the 1749th and 1764th sections of the late code of laws on the subject of the sale of slaves of deceased persons, was read the third time and passed unanimously.

Mr. Frazier moved to amend the caption by inserting the words "and amend" after "repeal;" which was carried.

The bill to repeal so much of the new Code as authorises the levy of execution on growing crops, and preventing persons owning property, exempt by law from execution and sale, from disposing of the same; was read the second time and referred to the Committee on the Judiciary.

The bill to exempt certain property from levy and sale by legal process, was read the second time and referred to the same committee.

On motion of Mr. Crenshaw,

Resolved, The Senate do now proceed to classify its members according to the requisition of the constitution of Alabama.

Resolved further, That thirty three ballots be prepared by the Secretary of the Senate, on sixteen of which shall be written the words "first class," and on the seventeen the words "second class," which ballots shall be folded up and put in a box, and the roll of the Senators shall be called over and each Senator shall draw a ballot, which on being opened shall designate the class, and the ballot of any absent Senators shall be drawn by the President of the Senate; and the classification so made shall be recorded and shall stand as a classification of the Senate under the constitution.

The ballots were prepared according to the resolution and drawn as follows :

FIRST CLASS.

Messrs. President, Acklin, Bethea, Blake, Crenshaw, Dickinson, Frazier, Hendrix, Jemison, E. P. Jones, Kelly, Lee, McLemore, Watts, Webb and Woodward—16.

SECOND CLASS.

Messrs. Ashley, Baker, Bradford, Brindley, Clanton, Cocke, Gay, Hobdy, Hewlett, H. C. Jones, Kimbal, Lamar, Malone, Patton, Peterson, Powell and Searcy—17.

Mr. Frazier offered a resolution, as follows :

Resolved, That with the concurrence of the House, the two Houses of the General Assembly will convene in the Representatives's Hall, on Friday, 18th instant, at 12 o'clock noon, for the purpose of counting the vote and declaring the election of Governor, pursuant to the provisions of the constitution of Alabama; which was adopted.

The bill to repeal the 3439th section of the code of laws adopted at the last session of the Legislature, on the subject of the qualification of Jurors as relates to their ability to read and write; was read the second time and referred to the Committee on the Judiciary.

Mr. Malone offered the following resolution :

Resolved, That the President of the Senate appoint a committee to consist of five members, to which shall be referred all propositions to alter, amend or modify the code of laws adopted at the last session of the General Assembly.

Mr. McLemore moved to lay the resolution on the table; which was carried.

Mr. Kimbal offered the following resolution :

Resolved, That a select committee, composed of one from each Congressional District of this State, be appointed by the chair to take into consideration the propriety of the repeal of the Militia Laws of this State, and substitute in its stead volunteer companies, and that said committee be requested to report at an early day the result of said deliberation; which was lost.

And the Senate adjourned until to-morrow morning 10 o'clock.

NOVEMBER, 17, 1853.

The Senate met pursuant to adjournment.

Mr. Malone presented the petition of Thomas J. Cox and others, in regard to the sale of spirituous liquors; which was referred to the Committee on Propositions and Grievances.

Mr. Frazier presented the petition of Alfred Jones and others; which was referred to the Committee on Propositions and Grievances.

On motion of Mr. Kimbal,

Resolved, That the Committee on the Military be instructed at an early day to enquire into and report to the Senate the propriety of abolishing the military system in this State and substitute volunteer companies.

On motion of Mr. Patton,

Resolved, That the President appoint a committee, consisting of one from each Congressional District, whose duty it shall be to report a bill apportioning the State into seven Congressional Districts, according to the Federal census of 1850.

Mr. Searcy introduced a bill to provide for the compensation of Jurors and Constables in Henry and Dale counties.

Mr. Acklin introduced a bill for the relief of Thomas Golden of Madison county.

Mr. Hendrix introduced a bill to legalize a marriage between David Humphreys and Martha Griffin of Cherokee county.

Mr. Watts introduced a bill for the relief of Thomas B. Grigg. Which were severally read the first time and ordered to a second reading.

On motion of Mr. H. C. Jones,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of reducing the fees of the Judges of the Probate Courts, with leave to report by bill or otherwise.

The Senate proceeded to the consideration of the orders of the day.

The bill to authorize the issuance of ancillary attachments, and

The bill to exempt from sale, under any legal process, all necessary wearing apparel for the use of each family in this State; were severall read the second time and referred to the Committee on the Judiciary.

Mr. Watts introduced a bill for the relief of Wm. M. Jones of Montgomery county; which was read the first time and ordered to a second reading.

On motion of Mr. Frazier,

Resolved, That the Comptroller of Public Accounts be requested to furnish a statement showing the sixteenth sections sold in the different counties in this State, in their numerical order, and the amount for which sold, so far as the same can be ascertained in his office.

On motion of Mr. Crenshaw,

Resolved, That the Committee on County Boundaries be instructed to ascertain whether any county in this State has been created since the adoption of the constitution, with a less number than nine hundred square miles, and whether any county in the State has been reduced to less than nine hundred square miles by the creation of new counties, with leave to report by bill or otherwise.

Mr. President laid before the Senate the biennial report of the Comptroller of Public Accounts.

Ordered that the same be laid upon the table.

And the Senate adjourned until to-morrow morning 10 o'clock.

NOVEMBER, 18, 1853.

The Senate met pursuant to adjournment.

Mr. President laid before the Senate a report of the Secretary of State, transmitting the vote taken on the subject of consolidating the Sixteenth Section Fund; which was referred to the Committee on Sixteenth Sections.

Mr. President also laid before the Senate the report of the Physician and Lessee of the Penitentiary; which was laid on the table and 500 copies ordered to be printed.

Mr. Kelly presented the accounts of B. Praytor and Stephen Gainer of Jefferson county; which was referred to the Committee on Accounts.

Mr. Kimbal presented the petition of James Germany; which was referred to the Committee on Roads, Bridges and Ferries.

Mr. Frazier moved to take from the table the biennial report of the Comptroller; which was carried.

Mr. Baker moved to print 2000 copies of said report; which was lost.

Mr. Watts moved to print 1800 copies; which was carried.

Mr. Blake, from the Committee on the Judiciary, to whom was referred the bill to repeal the 3439th section of the new code on the subject of the qualifications of Jurors as relates to their ability to read and write, reported a substitute for the bill; which was adopted, and the bill ordered to be engrossed for a third reading.

Mr. President appointed Messrs. Webb, Acklin and Watts a committee on the part of the Senate, to act with a like committee on the part of the House, to examine the offices of the Comptroller of Public Accounts and the State Treasurer.

Mr. Malone introduced a bill to incorporate the Tennessee and Alabama Central Rail Road Company; which was read the first time and ordered to a second reading.

Mr. Webb introduced a bill to incorporate the Northeast and Southwest Alabama Rail Road Company; which was read the first and second times and referred to the Committee on Internal Improvement and Inland Navigation.

Mr. Woodward introduced a bill to divide the county of Choctaw into road districts and for other purposes.

Mr. Baker introduced a bill to amend the first clause of section 825 of the code.

Mr. Kelly introduced a bill to repeal a certain act therein named and for other purposes.

Mr. Searcy introduced a bill to amend the Estray Law. Which were severally read the first time and ordered to a second reading.

Mr. Kimbal introduced a bill to erect a bridge across Tallapoosa River in Tallapoosa county.

Mr. Gay introduced a bill to authorise the Comptroller of Public Accounts to settle with the sureties of Wm. B. Campbell, late Tax Collector of Randolph county.

Mr. H. C. Jones introduced a bill to authorise the Court of County Commissioners to establish Election Precincts in the county of Franklin.

Mr. Frazier introduced a bill to authorise Zachariah Isbell to sell and convey his individual estate into certain lands.

Mr. Clanton introduced a bill to authorise the Judge of Probate of Macon county to grant letters of administration, &c.

Mr. McLemore introduced a bill to pay jurors in the county of Chambers. Which were severally read the first time and ordered to a second reading.

On motion of Mr. Ashley,

Resolved, That the Judiciary Committee be required to inquire into the expediency of so regulating Attorney's fees, that for prosecuting or defending a mixed or real action, where the title or bonds to land are in question, the fee shall be made to conform to the value of land in controversy.

Mr. Brindley offered the following resolution:

Resolved, That by the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House of Representatives on Tuesday, the 23d of November instant, at the hour of 11 o'clock, a. m., for the purpose of electing a Judge of the Supreme Court of the State of Alabama, to fill the vacancy to be occasioned by the expiration of the official term of the Hon. W. P. Chilton.

Mr. Bethea moved to lay the resolution on the table; which was carried.

A message was received from the House by Mr. Elmore:

Mr. President: The House of Representatives concurs in the resolution of the Senate, that the two Houses assemble in the Representative Hall, this day at 12 o'clock, for the purpose of counting the votes and declaring the election of Governor of the State of Alabama.

The House has also adopted the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the House of Representatives on Thursday next, for the purpose of electing a United States Senator, to fill the vacancy occasioned by the resignation of the Hon. Wm.

R. King; also for the purpose of electing a Senator to fill a vacancy occasioned by the expiration of the term of the Hon. Jere Clemens, on the 4th of March last.

Mr. Bethea moved to lay the resolution from the House on the table; which was carried—Yeas 20, Nays 12.

Yeas—Messrs. President, Acklin, Bethea, Bradford, Brindley, Dickinson, Gay, Hobdy, Hewlett, E. P. Johnes, H. C. Jones, Kelly, Lamar, Lee, Malone, McLemore, Patton, Searcy, Webb and Woodward.

Nays—Messrs. Ashley, Baker, Blake, Clanton, Cocke, Crenshaw, Frazier, Hendrix, Kimbal, Peterson, Powell and Watts.

Mr. Bethea offered the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two Houses will meet in the House of Representatives on Friday, the 25th instant, for the purpose of going into the election of a United States Senator to fill the vacancy occasioned by expiration of the term of Hon. Jere. Clemens, whose term of office ended on the 4th of March last; and also for the purpose of electing a United States Senator to fill the vacancy occasioned by the resignation of Hon. Wm. R. King.

Mr. McLemore called for the division of the question, which was first taken on the first section of the resolution, and carried. The question was then taken on the latter part of the resolution; which was adopted.

The Senate then proceeded to the orders of the day.

A bill for the relief of Thomas B. Grigg, of Montgomery county, was read the second time and referred to the Committee on the Judiciary.

A message was received from the House by Mr. Elmore.

MR. PRESIDENT: The House has originated and passed bills of the following titles:

A bill to exempt certain property from sale.

A bill for the permanent location of the county site in Washington county.

A bill for the relief of Wm. M. Jones, of Montgomery county, was read the second time and referred to the Committee on Propositions and Grievances.

A bill to legalize the marriage between David Humphreys and Martha Griffin, of Cherokee county.

A bill for the compensation of jurors and constables in Henry and Dale counties. Were severally read the second time and referred to the Committee on the Judiciary.

A bill for the relief of Thomas Golden of Madison county, was read the second time and referred to the Committee on Propositions and Grievances.

A bill from the House to exempt certain property from levy and sale, was read the first time and ordered to a second reading.

A bill from the House for the permanent location of the county

site of Washington county, was read the first, second and third times, forthwith, and passed.

Mr. Baker offered the following resolution:

Resolved, That so much of the Governor's message as relates to the subject of Internal Improvements, be referred to the Committee on Internal Improvements and Inland Navigation.

That so much as relates to the Code, be referred to the Judiciary Committee.

That so much as relates to the Commissioner and Trustee to settle the affairs of the State Bank &c., be referred to the Committee on Finance.

That so much as relates to Banks and Banking, be referred to the Committee on Banks and Banking.

That so much as relates to the State University, be referred to the Committee on the State University.

That so much as relates to Education, be referred to the Committee on Education.

That so much as relates to Elections by the people, be referred to the Committee on Privileges and Elections.

That so much as relates to Taxes, their assessment and collection, be referred to the Committee on Finance.

That so much as relates to the Penitentiary, be referred to the Committee on the Penitentiary.

That so much as relates to slaves, and the sale thereof, under execution, be referred to the Committee on the Judiciary.

That so much as relates to the boundary line between Alabama and Georgia, be referred to the Committee on Federal Relations.

That so much as relates to the Militia and Military, be referred to the Committee on the Military.

That so much as relates to transactions between this State and the General Government, be referred to the Committee on Federal Relations.

That so much as relates to Agriculture, be referred to the Committee on Agriculture.

A message from the House, by Mr. Elmore.

MR. PRESIDENT: I have been directed by the House of Representatives, to invite the Senate into the Hall of the House of Representatives for the purpose of counting the votes and declaring the election of Governor.

The Senate repaired to the Hall of the House, and the Speaker of the House of Representatives, according to the requirements of the Constitution, proceeded to open and publish the returns of the election for Governor, in the presence of both Houses of the General Assembly. The result was as follows:

For JOHN A. WINSTON	30,116
" A. Q. NIX	5,763
" WM. S. EARNEST	10,127
" R. G. WALKER	561
SCATTERING	35

Mr. Winston having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Governor of the State of Alabama, for the term prescribed by the Constitution.

The Senate returned to its Chamber.

Mr. Acklin offered the following resolution:

Resolved, That a Committee of three be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House, to wait on John A. Winston, the Governor elect, and inform him of his election, and enquire of him when it will suit his convenience to have the oath of office administered to him; which was adopted, and Messrs. Acklin, Baker and Frazier appointed said committee.

The Senate then adjourned until to-morrow morning, 10 o'clock.

NOVEMBER 19, 1853.

The Senate met pursuant to adjournment.

Mr. President announced the committee to lay off the State into seven Congressional Districts:

Mr. Patton, of the 5th District,

Mr. Bethea, " 1st "

Mr. Watts, " 2d "

Mr. Powell, " 3d "

Mr. Woodward " 4th "

Mr. Acklin, " 6th "

Mr. McLemore, " 7th "

Mr. Hendrix presented a petition of sundry citizens of his District, praying the Legislature to legalize a marriage between David Humphreys and Martha Griffin; which was referred to the Committee on the Judiciary.

Mr. Acklin presented a petition of the Trustees of the North Alabama College; which was referred to the Committee on Education.

Mr. Watts introduced a bill to extend the Fall Term of the Circuit Court of Montgomery county; which was read the first, second and third times forthwith, and passed.

Mr. Crenshaw introduced a bill to provide township maps for the county of Butler; also, a bill to provide a set of weights and measures for the county of Butler.

Mr. Patten introduced a bill to amend the Sections 1744 and 1746 of the Code.

Mr. Cocke introduced a bill to compensate Jurors in certain cases. Which were severally read the first time and ordered to a second reading.

Mr. H. C. Jones moved to take from the table the resolution offered yesterday, proposing to elect a Supreme Court Judge; which was carried.

Mr. Bethea moved to amend the resolution by striking out

"Tuesday, 22d," and inserting Saturday, 26th; which was lost. The resolution was then adopted.

A message from the House, by Mr. Elmore.

MR. PRESIDENT: The House has originated and passed bills of the following titles:

A bill to amend the act incorporating the Mechanics' Saving Company, of Mobile.

A bill to regulate Sheriff's sales in the county of Franklin.

A bill to repeal a certain act therein named.

A bill to repeal sections 769, 770, 771, and their application to Hancock.

A bill to authorize the removal of the administration on the estate of Robert J. Coles, deceased, late of the county of Jackson, from the court of probate of said county of Jackson, to the probate court of Madison.

The Senate bill to exempt certain property from levy and sale, with an amendment therein shown.

A Senate bill to repeal and amend the 1749th and 1764th sections of the Code, on the subject of the sale of slaves, &c., of deceased persons, amended as therein shown.

Messrs. Hall, Paine and Burnett have been appointed a committee on the part of the House to act with the committee of the Senate in examining the offices of the Comptroller and State Treasurer.

The amendments of the House to bills mentioned in the Message were concurred in.

The bill from the House to regulate sheriff's sales in the county of Franklin.

The bill to repeal a certain act therein named.

The bill to repeal sections 169, 170, and 171, in their application to the county of Hancock.

And the bill to authorize the removal of the administration on the estate of Robert J. Coles, deceased, were severally read the first time, and ordered to a second reading.

The bill from the House incorporating the Mechanics' Saving Company, of Mobile, was read the first, second and third times, forthwith, and passed.

The engrossed bill to repeal the 3439th section of the Code, on the subject of the qualifications of jurors, as relates to their ability to read and write, was read the third time and passed. Yeas 37, Nays 3.

Yeas—Messrs. President, Acklin, Ashley, Baker, Bethea, Blake, Bradford, Brindley, Clanton, Cocke, Crenshaw, Dickinson, Frazier, Gay, Hendricks, Hobdy, Hewlett, E. P. Jones, Kelly, Kimbal, Lamar, Lee, Malone, Patton, Peterson, Searcy and Woodward.

Nays—Messrs. H. C. Jones, Watts and Webb.

The bill to amend the first clause of section 825 of the Code, was read the first time and referred to the Committee on the Judiciary.

The bill to divide the county of Choctaw into road districts, and for other purposes, was read the second time.

Mr. Kelly moved to amend by extending the provisions of the bill to the county of Jefferson. The amendment was adopted, and the bill ordered to be engrossed.

The bill to incorporate the Tennessee and Alabama Central Rail Road Company, was read the second time, and referred to the Committee on Internal Improvements, and Inland Navigation.

The bill to authorize the court of county commissioners to establish election precincts in the county of Franklin, was read the second time and referred to the Judiciary Committee.

A message by Mr. Elmore.

MR. PRESIDENT: The House has passed a bill to amend the city charter of Montgomery, in which the concurrence of the Senate is requested.

A bill to erect a bridge across the Tallapoosa river, in Tallapoosa county, was read the second time, and referred to the Committee on Roads, Bridges and Ferries.

The bill to repeal a certain act therein named, and for other purposes, was read the second time, and referred to the Committee on Internal Improvements and Inland Navigation.

A bill to amend the Estray Law, was read the second time, and

Mr. Brindley moved to amend, and then moved to refer the bill and amendment to the Committee on the Judiciary; which was carried.

A bill to cause the Comptroller of Public Accounts to settle with the sureties of Wm. B. Campbell, late tax collector of Randolph county, was read the second time and referred to the Committee on Propositions and Grievances.

Mr. Cocke from the Committee on Enrolled bills, reported as correctly enrolled—

A bill to be entitled an act to exempt certain property from levy and sale under execution.

Also, a bill to be entitled an act to modify sections 1749 and 1764 of the Code.

A bill from the House to repeal an act entitled an act to amend the city charter of Montgomery, approved January 17th, 1852, and to change the time of holding the city election in the city of Montgomery, and for other purposes, was read the first, second and third times forthwith, and passed.

Mr. Hewlett moved the Senate do now adjourn until to-morrow morning 10 o'clock; which was lost.

Yeas—Messrs. Bethea, Brindley and Hewlett—4.

Nays—Messrs. President, Acklin, Ashley, Baker, Blake, Bradford, Clanton, Crenshaw, Cocke, Frazier, Gay, Hendricks, Hobdy, E. P. Jones, H. C. Jones, Kelly, Kimbal, Lamar, Lee, Malone, McLemore, Patton, Peterson, Powell, Searcy, Watts, Webb and Woodward—28.

A bill to authorize Zachariah Isbel to sell and convey his undivided estate into certain lands.

And the bill to authorize the Judge of Probate of the county of Macon, to grant letters of administration, &c., were severally read the second time and referred to the Committee on the Judiciary.

A bill to pay jurors in the county of Chambers, was read the second time and ordered to be engrossed for a third reading.

A bill from the House, to exempt certain property from levy and sale, was read the second time, and referred to the Committee on the Judiciary.

And the Senate adjourned until Monday morning 10 o'clock.

NOVEMBER 21, 1854.

Senate met pursuant to adjournment.

Mr. Malone presented the petition of Wm. A. Rogers; which was referred to the Committee on Propositions and Grievances.

Mr. Lamar presented the account of Louis Wyeth; which was referred to the Committee on Accounts and Claims.

Mr. Hendricks presented the petition of E. W. Coles; which was referred to the Committee on the Judiciary.

Message from the Governor, by Mr. Harrison.

MR. PRESIDENT: His Excellency, the Governor, has approved the following bills, which originated in the Senate:

An act to modify sections 1749 and 1764 of the Code.

An act to exempt certain property from execution.

Mr. Blake, from the Committee on Judiciary, to whom was referred the resolution instructing said Committee to inquire into the expediency of reducing the fees of the probate courts reported that it was expedient to legislate on the subject.

Mr. Frazier moved to lay the resolution on the table; which was lost. The report of the Committee was then concurred in—Yeas 20—Nays 9.

Yeas—Messrs. President, Acklin, Ashley, Baker, Bethea, Blake, Bradford, Brindley, Clanton, Cocke, Dickinson, Gay, Hobdy, Kimbal, Lamar, Malone, Patton, Peterson, Powell and Woodward.

Nays—Messrs. Frazier, Hendrix, E. P. Jones, H. C. Jones, Kelly, Lee, Searcy, Webb and Crenshaw.

Mr. Blake, from the same Committee, to whom was referred a resolution in regard to regulating Attorneys' fees, in mixed or real actions, reported that legislation on the subject was inexpedient and unnecessary.

Mr. Ashley moved to lay the report on the table; which was lost. The report was then concurred in.

Mr. Blake, from the Committee to whom was referred the bill to exempt from sale under any legal process, any wearing apparel, &c., reported it back to the Senate and recommended its passage.

Mr. Kimbal moved to amend by section as follows:

SECTION 2. *Be it further enacted*, That thirty pounds of wool

rolls, one hundred pounds ginned or four hundred pounds of seed cotton, all cloth on hand at the time not made or kept for sale, be and the same are hereby exempted; which was adopted.

Mr. Searcy moved to amend by adding that there be also exempt one thousand pounds of oats, and all the sweet potatoes which may be on hand.

Mr. H. C. Jones moved to recommit the bill; which was lost. The bill was then ordered to be engrossed.

Mr. Blake, from the same Committee, to whom was referred the bill for the relief of Thomas B. Grigg, of Montgomery county, reported favorably. The bill was ordered to be engrossed.

Mr. Blake, from the same Committee, to whom was referred the bill to exempt certain property from legal process, reported that the objects contemplated by the bill are met and provided for, either by sections of the Code, or by bills already reported to the Senate. The report was concurred in.

Mr. Ashley, from the Committee on Propositions and Grievances, to whom was referred the bill for the relief of Thomas Golden, of Madison, reported favorably. The bill was ordered to be engrossed.

Mr. H. C. Jones, from the Judiciary Committee, to whom was referred the bill to repeal as much of the new Code as authorizes levy of execution on growing crops, &c., reported a substitute in lieu of the bill, and recommended its passage.

Mr. Webb moved to amend by striking out the second section of the substitute; which was lost. Yeas 9—Nays 21.

Yeas—Messrs. Bethea, Blake, Brindley, Clanton, Dickinson, Hendrix, Powell, Webb and Woodward.

Nays—Messrs. President, Acklin, Ashley, Baker, Bradford, Cocke, Crenshaw, Frazier, Gay, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimbal, Lamar, Lee, Malone, Patton, Peterson and Searcy.

Mr. Ashley moved to amend as follows:

Strike out of section 2, the words "or for other property exempt from sale and levy."

Mr. Bradford moved to lay the amendment on the table; which was carried.

Mr. Bradford moved to amend by adding that sections 2465, and 2466 be and the same are hereby repealed.

Mr. Ashley moved to lay the amendment on the table; which was carried—Yeas 17—Nays 11.

Yeas—Messrs. Ashley, Baker, Cocke, Crenshaw, Dickinson, Hendrix, H. C. Jones, Kimbal, Lamar, Lee, Malone, Patton, Peterson, Powell, Searcy, Webb and Woodward.

Nays—Messrs. President, Acklin, Bethea, Blake, Brindley, Bradford, Frazier, Hobdy, Hewlett, E. P. Jones and Kelly.

Mr. Baker moved to amend by additional sections; which was adopted, and the bill ordered to be engrossed.

Mr. H. C. Jones, from the Judiciary Committee, to whom was referred the bill to regulate the insurance of ancillary attachments, reported a substitute; which was adopted, and ordered to be engrossed.

A message from the House, by Mr. Elmore.

MR. PRESIDENT: The House has passed the Senate bill to extend the Fall Term of the Circuit Court of Montgomery county.

Has also originated and passed bills of the following titles:

To increase the pay of jurors and witnesses in Lowndes county.

To authorize S. W. Jones, of Louisiana, to remove the property of his ward, Claiborn Potts, a lunatic, to Louisiana.

To divide the county of Pickens into commissioners' districts.

For the relief of Susan Goodwin, of Pickens county.

To locate permanently the seat of Justice of DeKalb county, and for other purposes.

To amend the city charter of the city of Mobile.

The House has appointed Messrs. Yelverton, Judge and Carroll, on the part of the House, to act with the committee of the Senate, to inform the Hon. John A. Winston of his election as Governor of Alabama.

Mr. Bethea introduced a bill to incorporate the Mobile Transportation and Insurance Company; which was read the first and second times forthwith, and referred to the Committee on the Judiciary.

Mr. President (Mr. Frazier in the Chair,) introduced a bill to regulate and make uniform the tolls on certain Plank Roads in this State; which was read the first and second times forthwith, and referred to the Committee on the Judiciary.

Mr. Malone introduced a bill for the relief of Wm. A. Rogers.

Mr. Acklin introduced a bill to amend the charter of the town of Huntsville, and for other purposes. Which were severally read the first time and ordered to a second reading.

On motion of Mr. Patton,

Resolved, That the Secretary of State be requested to furnish the Senate with a tabular statement of the population of each county in this State as shown by the census returns of 1850, taken by order of Congress.

Mr. Hewlett introduced a bill to strike out a certain word in the code; which was read the first time and ordered to a second reading.

Mr. Martin offered the following resolutions, which were adopted:

Resolved, That the Committee on Education be instructed: 1st. To bring in a memorial to the Congress of the United States, praying a relinquishment of all the unappropriated lands lying within the State of Alabama, which have been offered for sale ten years, the proceeds of the sale of which to be applied by the Legislature to aid in creating a common school fund.

2d. To enquire into the expediency of setting apart the monies

arising from the white poll tax of said State to aid in raising a common school fund.

3d. To enquire into the expediency of consolidating the Sixteenth Section Fund, and adding to it the proceeds arising from the sale of a hundred thousand acres of land, or such parts of said land as have been sold for educational purposes, with a view to create a permanent common school fund in the State of Alabama.

Mr. Hendrix introduced a bill to amend an act entitled an act to incorporate the Coosa and Cattanooga River Rail Road Company.

Mr. Searcy introduced a bill in relation to civil proceedings before Justices of the Peace.

Mr. Brindley introduced a bill to amend the existing law relating to issuing marriage license. Which were severally read the first time and ordered to a second reading. —

On motion of Brindley,

Resolved, That the Committee on Federal Relations enquire into the expediency of instructing our Senators and requesting our Representatives in Congress to use their exertions, 1st. To have the sales or entries of public lands in this State, stayed for the time being.

2d. To procure, if they can, a relinquishment to this State for the purpose of erecting rail roads, such proportion of the public lands as will probably bear proportion to the appreciation of the balance, say, alternate tracts for the distance of twelve miles each way, such relinquished or donated land to be disposed of at the highest price, and the proceeds applied to building rail roads, and the ultimate profits to be applied to education; and report by memorial or otherwise.

Mr. President laid before the Senate the biennial report of the Quartermaster General; which was referred to the Committee on the Military.

The bill from the House to locate permanently the seat of justice of DeKalb county and for other purposes, was read the first, second and third times forthwith and passed.

The bill from the House for the relief of Susan Goodwin of Pickens county.

The bill to increase the pay of jurors and witnesses in Lowndes county.

The bill to authorise A. W. Jones to remove the property of his ward, Claiborne Potts, a lunatic, to Louisiana.

The bill to amend the charter of the city of Mobile, and

The bill to divide the county of Pickens into Commissioners Districts; were severally read the first time and ordered to a second reading.

The engrossed bill to divide the county of Choctaw into road districts, was read the third time and passed.

Mr. Brindley moved to amend the bill; which was carried.

The engrossed bill to pay jurors in the county of Chambers, was read the third time, and on motion of Mr. Webb, laid on the table.

The House bill to authorise the removal of the administration on the estate of Robert J. Coles, &c., was read the second time and referred to the Judiciary Committee.

The House bill to repeal 769th, 770th and 771st sections of the code in their application to the county of Hancock.

The bill to repeal a certain act therein named, and

The bill to regulate Sheriff's sales in the county of Franklin, were severally read the second time and ordered to a third reading.

The bill to compensate jurors in certain cases, was read the second time and referred to the Committee on the Judiciary.

The bill to provide a set of weights and measures for the county of Butler, was read the second time.

Mr. Acklin moved to amend the bill by way of substitute, so as to apply the provisions of the bill to the counties of Butler and Madison.

The substitute was adopted and ordered to be engrossed.

The bill to amend sections 1744 and 1746 of the code, was read second time and referred to the Committee on the Judiciary.

The bill to provide township maps for the county of Butler, was read second time.

Mr. Crenshaw moved to amend; which was adopted and the bill ordered to be engrossed.

And the Senate adjourned until to-morrow morning 10 o'clock.

NOVEMBER 22, 1853.

Senate met pursuant to adjournment.

R. Jemison, Jr., Senator elect from the county of Tuscaloosa, appeared in the Senate chamber; was qualified and took his seat.

Mr. President laid before the Senate a tabular statement of the the federal census of Alabama, taken in 1850, prepared by the Secretary of State; which was referred to the Committee on Congressional Districts.

Mr. Frazier presented the petition of James Wood and others, of Jackson county; which was referred to the Committee on the Judiciary.

Mr. Hendrix, from the Committee on Roads, Bridges and Ferries, reported a bill to erect a bridge across Tallapoosa river in Tallapoosa county, and recommended its passage.

The bill was ordered to be engrossed.

Mr. Ashley, from the Committee on Propositions and Grievances, reported that it was inexpedient to grant the petition of Allen Jones of Jackson county, as the case is provided for by existing laws.

The report was concurred in.

Mr. Acklin, from the committee appointed to wait on John

A. Winston, Governor-elect, and ascertain when it would suit his convenience to take the oath of office, reported that Tuesday, the 20th day of December. at the hour of 12, was the day designated by Mr. Winston for that purpose.

Mr. Bethea introduced a bill to incorporate the Mobile and Dog River Manufacturing Company: read the first time and ordered to a second reading.

The bill from the House to regulate Sheriff's sales in the county of Franklin; was read the third time and laid on the table.

The bill from the House to repeal a certain act therein named, and the bill to repeal sections 769, 770 and 771 in their application to the county of Hancock, were severally read the third time and passed.

The bill to provide township maps for the county of Butler.

The bill to provide a set of weights and measures for the counties of Butler and Madison, and

The bill for the relief of Thomas Golden of Madison; were severally read the third time and passed.

The House bill for the relief of Susan Goodwin of Pickens county, was read the second time and ordered to a third reading.

The bill from the House to increase the pay of jurors in Lowndes county, and

The bill to authorise A. W. Jones of Louisiana, to remove the property of his ward; were severally read the second time and referred to the Judiciary Committee.

The bill from the House to amend the charter of the city of Mobile, was read the second time.

Mr. Bethea moved to amend; which was adopted and the bill ordered to a third reading.

The bill to regulate the issuance of ancillary attachments, was read the third time and passed.

The bill to exempt from sale, under any legal process, all necessary wearing apparel, was read third time.

Mr. Cocke moved to reconsider the vote ordering the bill to be engrossed; which was carried. The bill was referred to the Committee on the Judiciary.

The bill for the relief of Thos. B. Grigg of Montgomery county, was read the third time and laid on the table.

Message from the House by Mr. Elmore:

Mr. President: The House has originated and passed the following bills:

To repeal a certain portion of the Code of Alabama.

To repeal a certain section of the code therein named.

To exempt certain property from sale by execution or administration.

To authorise executors, administrators or guardians to sell or compromise the bad or doubtful debts belonging to the estate of which they are the representative.

Making copies of deeds evidence in certain cases.

To change the time of holding the Circuit Court in Barbour county.

To exempt certain persons from working on roads in the county of Choctaw.

To repeal a part of section 1065 of the code.

To incorporate the Mobile Live Stock and General Insurance Company.

To issue a patent to a certain person therein named.

To appoint a General Guardian for Sumter county.

For the relief of Lorenzo Dow Dean of Butler county.

To require Circuit Clerks and Sheriffs to receive county claims in the payment of fines and forfeitures in the counties of Jefferson and Fayette.

Bills mentioned in the message from the House were severally read the first time and ordered to a second reading.

The bill from the House to divide the county of Pickens into Commissioners' Districts, was read second time and ordered to a third reading.

The bill to pay jurors in the county of Chambers was taken from the table and passed.

The bill to strike out a certain word in the code.

The bill to amend the existing law relating to issuing marriage license, and

The bill in relation to civil proceedings before Justices of the Peace, were severally read the second time and referred to the Judiciary Committee.

The bill to amend an act to incorporate the Coosa and Chattooga River Rail Road Company, was read the second time and referred to the Committee on Internal Improvements.

The bill to amend the charter of the town of Huntsville, was read the second time and referred to the Committee on Education.

A bill for the relief of Wm. A. Rogers was read second time and referred to the Committee on Propositions and Grievances.

Mr. Webb introduced a bill to amend the law in relation to the taxation of cost in the Supreme Court.

Mr. Peterson introduced a bill for the relief of tax payers in the State of Alabama.

Mr. Searcy introduced a bill to regulate the manner of selecting the Foreman of Grand Juries in the counties of Dale and Henry. Which were severally read the first time and ordered to a second reading.

A message from the House by Mr. Elmore, inviting the Senate into the Hall of the House for the purpose of electing a Supreme Court Judge, to fill the vacancy occasioned by the expiration of the official term of Hon. Wm. P. Chilton.

The Senate proceeded to the Hall of the House, and the two Houses proceeded to the election.

Wm. P. Chilton alone being in nomination, he received 132 votes, being the whole number given, and

Mr. Speaker declared him duly and constitutionally elected a Judge of the Supreme Court for the term prescribed by the constitution.

The Senate repaired to its chamber, and adjourned until to-morrow morning 10 o'clock.

NOVEMBER 23, 1853.

Senate met pursuant to adjournment.

Mr. Peterson presented the petition of Charles H. Lockhart of Russell county; which was referred to the Committee on Accounts.

Mr. Blake, from the Committee on the Judiciary, to whom was referred the bill to compensate jailors in certain cases, reported the same with certain amendments; which were concurred in and the bill ordered to be engrossed.

Mr. Blake, from the Committee on the Judiciary, to whom was referred the bill to amend section 1744 and 1746 of the code, reported that it was inexpedient to pass the bill.

On motion of Mr. Patton, the report was laid on the table and the bill ordered to be engrossed.

Mr. Blake also reported the bill to incorporate the Mobile Transportation and Insurance Company, with certain amendments; which were concurred in and made the special order for Friday next.

Mr. Blake, from the same committee, reported unfavorably on the bill to authorise Zachariah Isbel to sell and convey his undivided estate in certain lands, which,

On motion of Mr. Frazier, was laid on the table.

Mr. Blake, from the same committee, reported that it was inexpedient to pass the bill to legalize a marriage between David Humphreys and Martha Griffin.

Mr. Hendrix moved to lay the report on the table; which was lost.

The question was taken on concurring in the report of the committee.

The Senate refused to concur. Yeas 15, Nays 16.

Yeas—Messrs. Bethea, Blake, Brindley, Clanton, Crenshaw, Dickinson, Hobdy, Hewlett, Jemison, H. C. Jones, Kelly, Lee, Patton, Webb and Woodward.

Nays—Messrs. President, Acklin, Baker, Bradford, Cocke, Frazier, Gay, Hendrix, E. P. Jones, Kimbal, Lamar, Malone, McLe-more, Peterson, Powell and Searcy.

The bill was ordered to be engrossed.

Message from the House by Mr. Elmore:

Mr. President: The House has originated and passed the following bills:

- To amend the road law so far as relates to Choctaw county.
- To repeal an act approved 2d February, 1850.
- To increase the pay of jurors in the county of Perry.
- Providing for the compensation of jurors in Justices Courts in the county of Pike in certain cases therein mentioned.
- To amend the Patrol Law in Pickens county.
- To regulate the pay of Grand and Petit Jurors in Covington county and for other purposes.
- To appropriate a certain sum of money therein mentioned.

Mr. Brindley, from the Committee on County Boundaries, to whom was referred a resolution instructing them to enquire whether any county in the State has been created with a less number than 900 square miles, and whether any county in the State has been reduced to less than 900 square miles by the creation of new counties, reported joint resolutions proposing amendments to the constitution; which was read the first time and laid on the table.

Mr. Acklin, from the Committee on Education, reported the bill to amend the charter of the town of Huntsville, and recommended its passage. The bill was ordered to be engrossed.

The bills mentioned in the message from the House were severally read the first time and ordered to a second reading, except the bill to appropriate a certain sum of money therein named; which was read the first, second and third times forthwith and passed.

The Senate bill to repeal section 2461, and amend section 2464 of the Code of Alabama, was read the third time and passed. The caption was also amended.

The engrossed bill to erect a bridge across Tallapoosa river, in Tallapoosa county, was read the third time and passed.

The bill from the House to amend the charter of the city of Mobile was read the third time and passed.

The bill from the House to authorise the Governor to issue a patent therein named, was read the second time and ordered to a third reading.

The bill providing for the appointment of a general guardian for the county of Sumter, was read the second time and referred to the Committee on the Judiciary.

The bill to require the Circuit Clerk and Sheriff to receive county claims in the payment of fines and forfeitures in the counties of Jefferson and Fayette, was read the second time and ordered to a third reading.

The bill for the relief of Lorenzo Dow Dean of Butler county, was read the second time and referred to the Committee on County Boundaries.

The bill from the House for the relief of Susan Goodwin of Pickens county, and

The bill to divide the county of Pickens into Commissioners' Districts, were severally read the third time and passed.

The bill in relation to the taxation of costs in the Supreme Court, was read the second time, and referred to the Committee on the Judiciary.

The bill to change the times of holding the Circuit Court of Barbour county, was read the second time and ordered to a third reading.

The bill making copies of deeds evidence in certain cases.

The bill to repeal a certain section of the code therein named.

The bill to repeal a certain portion of the Code of Alabama.

The bill to exempt certain property from sale by execution or administration.

The bill to authorise executors, administrators and guardians to sell or compromise the bad and doubtful debts belonging to the estate of which they are the representative, and

The bill to regulate the manner of selecting Foremen of Grand Juries in the counties of Dale and Henry, were severally read the second time and referred to the Committee on the Judiciary.

The bill to repeal an act exempting certain persons from working on the public roads in the county of Choctaw, was read the second time and referred to a Select Committee.

The bill to repeal a part of section 1065, was read the second time and referred to the Committee on the Judiciary.

The bill to alter and amend an act to incorporate the Mobile Live Stock and General Insurance Company, was read second time and referred to the Committee on Banks and Banking.

The bill for the relief of tax payers in the State of Alabama, was read the second time and referred to the Committee on Finance.

The bill to incorporate the Mobile and Dog River Manufacturing Company, was read the second time and referred to the Committee on the Judiciary.

Mr. McLemore introduced a bill to legalize a certain marriage therein named and for other purposes; which was read the first and second times and referred to the Committee on Propositions and Grievances.

Mr. Crenshaw introduced a bill to amend section 204 of the Code of Alabama.

Mr. Hobdy introduced a bill to repeal sections 3271 and 3272 of part 4, title 1 and chapter 2 of the code; which were severally read the first time and ordered to a second reading.

On motion of Mr. Malone,

Resolved, That the Committee on Banks and Banking be required to enquire into the expediency of so altering and amending the several bank charters in this State as will authorise said banks to issue bills of the denomination of from one to five dollars inclusive.

Mr. Baker introduced a bill to amend section 3044, in relation to Register's commissions; which was read the first time and ordered to a second reading.

On motion of Mr. Acklin,

Resolved, That the Secretary of the Senate have leave of absence until Saturday, and that Thomas Harrison, Esq., be and he is hereby authorised to act as Secretary during the time: *Provided* he shall receive no pay from the State.

On motion of Mr. Patton,

Resolved, That the Committee on Inland Navigation and Internal Improvements be instructed to enquire into the expediency of appropriating a portion of the three per cent. fund for the removal of the obstructions in the Tennessee River, known as the Colbert Shoals.

Mr. Powell introduced a bill to change the time of holding the courts in the first Judicial District.

Mr. Baker introduced a bill to amend section 3249 and to repeal section 3251 of the code.

Mr. Lee introduced a bill to amend the act to incorporate the Alabama and Noxubee Rail Road Company.

Mr. Baker introduced a bill to repeal sections 3270, 3271 and 3272 of the code.

Mr. Blake introduced a bill to amend the law in relation to the failure of Circuit Judges and Chancellors to hold their respective courts. Which were severally read the first time and ordered to a second reading.

On motion of Mr. Bethea,

The Senate adjourned until to-morrow morning 10 o'clock.

NOVEMBER 25, 1853.

The Senate met pursuant to adjournment.

Mr. President laid before the Senate the report of Mr. Lyon, commissioner and trustee in relation to State Bank and Branches.

Mr. Jamison offered the following resolution which, was adopted:

Resolved, That with the concurrence of the House of Representatives, the report of F. S. Lyon, commissioner and trustee of the State Bank and Branches, be referred to a joint select committee to consist of three, on the part of each House. Messrs. Jamison, H. C. Jones, and Dickinson, were appointed said committee.

Mr. Bethea presented the petition of sundry citizens of Mobile, asking for an act incorporating the Mobile and Dog River Factory; which was referred to the Committee on the Judiciary.

Mr. Blake, from the Committee on the Judiciary, to whom was referred the bill to authorize the court of county commissioners to establish precincts in the county of Franklin, reported the following amendment:

Strike out the words "or abolish," in the sixth line of the body of the bill; and recommended its passage. The report was concurred in, the amendment adopted, and the bill ordered to be engrossed for a third reading.

Mr. Blake, from the same Committee, to whom was referred the

bill to exempt certain property from sale under any legal process, reported the bill back with amendments.

Mr. Crenshaw moved to concur in the amendments.

Mr. Cocke called for the yeas and nays. Yeas 7—Nays 23.

Yeas—Messrs. Bethea, Brindley, Crenshaw, Dickinson, Hobdy, Jamison, E. P. Jones and Webb.

Nays—Messrs. President, Acklin, Ashley, Baker, Blake, Clanton, Cocke, Frazier, Gay, Hendrix, Hewlett, H. C. Jones, Kelly, Kimbal, Lee, Malone, McLemore, Patton, Peterson, Powell, Searcy, Watts and Woodward.

Mr. Dickinson moved to lay the bill with the amendment on the table. Yeas and nays demanded. Yeas 7—Nays 23.

Yeas—Messrs. Bethea, Brindley, Crenshaw, Dickinson, Hobdy, Jamison, E. P. Jones and Webb.

Nays—Messrs. President, Acklin, Ashley, Baker, Blake, Cocke, Clanton, Frazier, Gay, Hendrix, Hewlett, H. C. Jones, Kimbal, Kelly, Lee, Malone, McLemore, Patton, Peterson, Powell, Searcy, Watts and Woodward.

Mr. Jamison moved to strike out the first section of the amendment. Pending a discussion thereon,

A message was received from the House, by Mr. Elmore.

Mr. President: The House has adopted the following resolution:

Resolved, (the Senate concurring,) That the two Houses assemble in the Representatives' Hall this day at half-past 10 o'clock, for the purpose of electing a United States Senator to fill the unexpired term of the Hon. Wm. R. King, and a Senator to fill the vacancy occasioned by the expiration of the term of the Hon. Jere. Clemens.

Mr. Powell moved to suspend the subject under consideration, for the purpose of taking up the message from the House.

Yeas and nays called for. Yeas 22, Nays 9.

Yeas—Messrs. Acklin, Ashley, Bethea, Blake, Bradford, Brindley, Cocke, Dickinson, Frazier, Gay, Hendrix, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Lamar, Malone, McLemore, Powell, Webb and Woodward.

Nays—Messrs. Baker, Clanton, Crenshaw, Jamison, Kimbal, Lee, Patton, Peterson and Watts.

Mr. Frazier moved the previous question, and the yeas and nays were called for. Yeas 13, nays 19.

Yeas—Messrs. Ashley, Baker, Clanton, Crenshaw, Hewlett, Jamison, H. C. Jones, Kimbal, Lee, McLemore, Peterson, Watts and Webb.

Nays—Messrs. President, Acklin, Bethea, Bradford, Brindley, Blake, Cocke, Dickinson, Frazier, Gay, Hendrix, Hobdy, E. P. Jones, Kelly, Lamar, Malone, Patton, Powell and Woodward.

Mr. Hewlett moved the Senate now adjourn until to-morrow 10 o'clock. The yeas and nays were called for. Yeas 11, nays 22.

Yeas—Messrs. Ashley, Baker, Clanton, Crenshaw, Hewlett, Jamison, Kimbal, Lee, Peterson, Watts and Webb.

Nays—Messrs. President, Acklin, Bethea, Bradford, Brindley, Blake, Cocke, Dickinson, Frazier, Gay, Hendrix, Hobdy, E. P. Jones, H. C. Jones, Kelly, Lamar, Malone, McLemore, Powell, Patton, Searcy and Woodward.

Motion lost.

On a motion to suspend 15th rule, yeas 22, nays 11.

Yeas—Messrs. President, Acklin, Bethea, Bradford, Brindley, Blake, Clanton, Cocke, Dickinson, Frazier, Gay, Hendrix, Hobdy, E. P. Jones, H. C. Jones, Kelly, Lamar, Malone, Patton, Powell, Searcy and Woodward.

Nays—Messrs. Ashley, Baker, Crenshaw, Hewlett, Jamison, Kimbal, Lee, McLemore, Peterson, Watts and Webb.

Mr. Watts, moved to lay the motion on the table. Yeas 11, nays 22.

Yeas—Messrs. Baker, Cocke, Crenshaw, Hewlett, Jamison, Kimbal, Lee, McLemore, Peterson, Watts and Webb.

Nays—Messrs. President, Acklin, Ashley, Bethea, Blake, Bradford, Brindley, Clanton, Dickinson, Frazier, Gay, Hendrix, Hobdy, E. P. Jones, H. C. Jones, Kelly, Lamar, Malone, Patton, Powell, Searcy and Woodward.

Mr. Hewlett moved, that the Senate do now adjourn until tomorrow morning 10 o'clock; which was lost. Yeas 8, nays 21.

Yeas—Messrs. Baker, Clanton, Cocke, Crenshaw, Hewlett, Jamison, Kimbal, Peterson and Watts.

Nays—Messrs. President, Acklin, Ashley, Bethea, Blake, Bradford, Dickinson, Frazier, Gay, Hendrix, Hobdy, E. P. Jones, H. C. Jones, Kelly, Malone, McLemore, Patton, Powell, Searcy, Webb and Woodward.

Mr. Webb moved to postpone the consideration of the question until the first Monday in December. The yeas and nays were called for. Yeas 5, nays 27.

Yeas—Messrs. Baker, Hewlett, Jamison, Kimbal and Webb.

Nays—Messrs. President, Acklin, Ashley, Bethea, Blake, Bradford, Brindley, Clanton, Cocke, Crenshaw, Dickinson, Frazier, Gay, Hendrix, Hobdy, E. P. Jones, H. C. Jones, Kelly, Lamar, Lee, Malone, Patton, Peterson, Powell, Searcy and Woodward.

Mr. Baker moved to refer the resolution to the Committee on Propositions and Grievances. The chair decided it to be out of order.

An appeal was taken from the decision of the chair, and the chair sustained. The yeas and nays were called for by Mr. Baker. Yeas 17, nays 13.

Yeas—Messrs. Acklin, Bethea, Blake, Bradford, Brindley, Clanton, Dickinson, Gay, Hendrix, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Lamar, Malone and Woodward.

Nays—Messrs. Ashley, Baker, Cocke, Crenshaw, Jamison, Kimbal, Lee, McLemore, Patton, Peterson, Searcy, Watts and Webb.

Mr. Jamison, moved the Senate do now adjourn until to-mor-

row morning, 10 o'clock. Yeas and nays were called for. Yeas 11, nays 21.

Yeas—Messrs. Ashley, Baker, Clanton, Crenshaw, Hewlett, Jemison, Kimbal, Peterson, Watts and Webb.

Nays—Messrs. President, Acklin, Bethea, Bradford, Brindley, Blake, Cocke, Dickinson, Frazier, Gay, Hendrix, Hobdy, E. P. Jones, H. C. Jones, Kelly, Lamar, Lee, Malone, Patton, Powell and Woodward.

Mr. Watts moved to suspend the further consideration of the question until 12 o'clock Monday next. The yeas and nays were called for. Yeas 14, nays 16.

Yeas—Messrs. Ashley, Baker, Clanton, Cocke, Crenshaw, Hewlett, Kimbal, Lee, McLemore, Patton, Searcy, Watts and Webb.

Nays—Messrs. President, Acklin, Bethea, Bradford, Brindley, Blake, Dickinson, Frazier, Gay, Hendrix, Hobdy, E. P. Jones, H. C. Jones, Lamar, Powell and Woodward.

Mr. Baker moved to postpone until half-past 11 o'clock Monday. The yeas and nays were demanded. Yeas 15, nays 17.

Yeas—Messrs. Ashley, Baker, Clanton, Cocke, Crenshaw, Hewlett, Jemison, Kimbal, Lee, McLemore, Patton, Peterson, Searcy, Watts and Webb.

Nays—Messrs. President, Acklin, Bethea, Bradford, Brindley, Blake, Dickinson, Frazier, Gay, Hendrix, Hobdy, E. P. Jones, H. C. Jones, Kelly, Lamar, Powell and Woodward.

Mr. Baker moved to adjourn until 10 o'clock to-morrow morning; which was lost. Yeas 11, nays 21.

Yeas—Messrs. Baker, Clanton, Cocke, Crenshaw, Hewlett, Jemison, Lee, McLemore, Patton, Peterson, and Watts.

Nays—Messrs. President, Acklin, Ashley, Bethea, Bradford, Blake, Brindley, Dickinson, Frazier, Gay, Hendrix, Hobdy, E. P. Jones, H. C. Jones, Kelly, Lamar, Kimbal, Malone, Powell, Searcy, Webb and Woodward.

Mr. Patton moved to postpone until 11 o'clock Monday next.—Yeas 14, nays 18.

Yeas—Messrs. Ashley, Baker, Cocke, Clanton, Crenshaw, Hewlett, Jemison, Kimbal, Lee, McLemore, Patton, Peterson, Watts and Webb.

Nays—Messrs. President, Acklin, Bethea, Brindley, Bradford, Blake, Dickinson, Frazier, Gay, Hendrix, Hobdy, E. P. Jones, H. C. Jones, Kelly, Lamar, Malone, Powell, and Woodward.

Mr. Watts contended that it was out of order further to discuss the resolution, as the hour specified had already elapsed.

The chair decided the resolution in order. Mr. Watts appealed from the decision of the chair, and on the question, shall the chair be sustained? the vote stood yeas 18, nays 13.

Yeas—Messrs. Acklin, Bethea, Blake, Bradford, Brindley, Dickinson, Frazier, Gay, Hendrix, Hobdy, E. P. Jones, H. C. Jones, Kelly, Lamar, Malone, Powell, Webb and Woodward.

Nays—Messrs. Ashley, Baker, Clanton, Cocke, Crenshaw, Hewlett, Jemison, Kimbal, Lee, McLemore, Patton, Peterson, and Watts.

The decision of the chair was sustained.

Mr. Baker moved to adjourn until 10 o'clock to-morrow morning; which was lost. Yeas 10, nays 21.

Yeas—Messrs. Ashley, Baker, Clanton, Cocke, Crenshaw, Hewlett, Jemison, Lee, Peterson and Watts.

Nays—Messrs. President, Acklin, Bethea, Bradford, Brindley, Blake, Dickinson, Frazier, Gay, Hendrix, Hobdy, E. P. Jones, H. C. Jones, Kelly, Lamar, Malone, McLemore, Patton, Powell, Webb and Woodward.

Mr. Baker moved to postpone the further consideration of the resolution until fifty-five minutes past 11 o'clock Monday morning; which was lost. Yeas 5, nays 24.

Yeas—Messrs. Baker, Clanton, Kimbal, Lee and Peterson.

Nays—Messrs. President, Acklin, Ashley, Bethea, Blake, Bradford, Brindley, Cocke, Crenshaw, Dickinson, Frazier, Gay, Hobdy, Hendrix, Jemison, E. P. Jones, H. C. Jones, Kelly, Lamar, Malone, Patton, Powell, Webb and Woodward.

Mr. Watts moved to amend by inserting 12 o'clock Monday morning; which was carried. Yeas 23, nays 10.

Yeas—Messrs. President, Ashley, Baker, Bethea, Brindley, Clanton, Cocke, Crenshaw, Gay, Hobdy, Hewlett, Jemison, E. P. Jones, Kelly, Kimbal, Lamar, Lee, McLemore, Patton, Peterson, Searcy, Watts and Webb.

Nays—Messrs. Acklin, Blake, Bradford, Dickinson, Frazier, Hendrix, H. C. Jones, Malone, Powell and Woodward.

The resolution as amended was concurred in; and the Senate adjourned until to-morrow 10 o'clock.

NOVEMBER 26, 1854.

The Senate met pursuant to adjournment.

The Senate proceeded to the consideration of the bill to exempt from sale under any legal process, all necessary wearing apparel for the use of each family in this State—the question on Mr. Jemison's motion to strike out the first amendment reported by the Committee.

Mr. Cocke moved to lay the motion on the table; which was carried.

Mr. Cocke moved to amend by proviso; to come in at the end of the first section; which was adopted.

Mr. Crenshaw moved to strike out sections two and three of the bill.

Mr. Baker moved the previous question; which was sustained. Yeas 21, nays 7.

Yeas—Messrs. President, Acklin, Baker, Blake, Brindley, Bradford, Cocke, Frazier, Gay, Hendrix, Hobdy, Kelly, Kimbal, Lamar,

Lee, Malone, McLemore, Patton, Peterson, Searcy and Woodward.
Nays—Messrs Ashley, Crenshaw, Dickinson, Hewlett, E. P. Jones, H. C. Jones and Webb.

The bill was ordered to be engrossed.

Mr. Blake, from the Committee on the Judiciary, to whom was referred the bill to amend the Estray Law, reported a substitute; which adopted and ordered to be engrossed.

Mr. Blake, from the same Committee, to whom was referred the bill to repeal a part of section 1065 of the Code, reported that it was inexpedient to pass the bill; in which the Senate concurred.

Mr. Blake from the same Committee, to whom was referred the bill making copies of deeds evidence in certain cases, reported favorably.

The bill was ordered to a second reading.

Mr. Blake reported favorably on the bill to appoint a general Guardian for the county of Sumter, and the bill was ordered to a third reading.

Mr. Blake reported that it was inexpedient to pass the bill to amend the existing laws relating to marriage license; the report was concurred in.

Mr. Blake reported that it was inexpedient to pass the bill to authorize executors, administrators and guardians to sell and compromise bad and doubtful debts belonging to the estates of which they are the representative. The report was concurred in.

The petition of E. W. Coles was referred to the Committee on Propositions and Grievances.

Mr. Webb, from the Committee on Accounts and Claims, reported unfavorably on the account of Charles J. Lockhart, of Russell county. The report was laid on the table.

Mr. Webb reported unfavorably on the account of Louis Wyeth. The report was laid on the table, and the account withdrawn.

Mr. Webb reported unfavorably on the account of Stephen Gamer, of Jefferson county. The report was concurred in.

Mr. Webb reported unfavorably on the account of B. Porter, of Jefferson county. The report was concurred in.

Mr. Malone, from the Committee on Rules, reported the rules adopted at the last session, with the following amendments:

"That rule 2 be so amended as to strike out the word 'may,' where it first occurs in the last line, and in lieu thereof, insert the word 'shall.'"

And that the following be adopted in lieu of rule 35:

"In all cases where the vote is taken by a division, and the President has not voted, and there be a tie, he shall give the casting vote, and when the yeas and nays are called for, he shall vote first." The amendments were adopted.

Mr. Watts offered the following resolution:

Resolved by the Senate, That until 12 o'clock of the day succeeding the passage of any bill or joint resolution, a motion to recon-

sider shall be in order, and no such bill or resolution shall be sent to the House of Representatives until after the time for reconsideration shall have elapsed, unless by consent of two-thirds of the Senate.

Mr. Crenshaw moved to amend as follows:

"But as soon as a motion to reconsider has failed, the Secretary may carry the bill or resolution to the House, though the time above specified has not expired. The amendment was adopted; and the resolution as amended was adopted.

Mr. Crenshaw, from the Committee on the Judiciary, reported a substitute for the bill to increase the pay of jurors and witnesses in Lowndes county.

The amendment was adopted and the bill ordered to a second reading.

Mr. Crenshaw, from the Committee on County Boundaries, to whom was referred the bill for the relief of Lorenzo Dow Dean, of Butler, reported the same with an amendment, and recommended its passage. The bill was ordered to a third reading.

Mr. Woodward from the Select Committee to whom was referred the bill to exempt certain persons from working on the public roads in the county of Choctaw, reported in favor of the bill. It was ordered to a third reading.

Mr. McLemore introduced a bill to give the election of county treasurer of Chambers county to the people.

Mr. McLemore also introduced a bill to authorize Robt. Baugh, and Edward Baugh to sell certain slaves for a division.

Mr. Crenshaw introduced a bill relating to the burnt records of Butler county.

Also, a bill to repeal in part an act to make the county treasurer of Madison county, and others, elective by the people.

Also, a bill to reduce the number of judges on the Supreme Court Bench; and

A bill to repeal certain sections of the Code of Alabama, in relation to election precincts.

Mr. Blake introduced a bill to amend the charter of the Alabama and Tennessee River Rail Road Company.

Mr. Hewlett introduced a bill for the relief John A. L. DeBerrie of Walker county.

Mr. Blake introduced a bill to exempt certain persons from road duty. Which were severally read the first time and ordered to a second reading.

Mr. Baker introduced a joint resolution for the relief of Dr. John Boswell; which was referred to a select committee.

Mr. Bethea introduced a bill to increase the salaries of certain officers therein named; which was read the first time and ordered to a second reading.

Mr. Brindley offered the following resolution:

Whereas, a great deal of business has already accumulated, and

is now rapidly accumulating before the Committee on the Judiciary, therefore—

Resolved, That the Committee on the Judiciary be, and they are hereby authorized, to employ a clerk to aid them in their deliberations for the time being, and so long as they may think it really necessary to expedite the business of the session.

The resolution was adopted. Yeas 18, nays 11.

Yeas—Messrs. President, Ashley, Baker, Bethea, Blake, Brindley, Cocke, Dickinson, Hendrix, Hobdy, Hewlett, Jemison, Kimbal, Lamar, Lee, Malone, Peterson and Woodward.

Nay—Messrs. Acklin, Bradford, Crenshaw, Frazier, Gay, E. P. Jones, Kelly, McLemore, Patton, Searcy and Webb.

On motion of Mr. Peterson:

Resolved, That a select committee be appointed by the President of the Senate, to consist of one from each Judicial Circuit, to take into consideration the expediency of abolishing the present militia system of the State of Alabama, and of imposing a tax upon those subject to such duty, for the purpose of raising a fund with which to endow a Polytechnic school, or such institution as will best qualify young men to discharge those duties.

Mr. Frazier offered the following resolution:

Resolved, That the joint committee of the Senate, to which was referred the report of the commissioner and trustee to settle the affairs of the State Bank and Branches, be instructed to have printed for the use of the Senate, 1500 copies of said report.

Mr. Cocke moved to strike out 1500 and insert 2000; which was carried, and the resolution as amended was adopted.

The Senate proceeded to the consideration of the special order of the day, it being the bill to incorporate the Mobile Transportation and Insurance Company.

Mr. Jemison moved to amend by two additional sections; which were adopted, and the bill was read the third time and passed.

Mr. Hendrix introduced a bill to authorize the commissioner's court of Cherokee county to change the boundaries of election precincts; which was read the first time and ordered to a second reading.

Mr. Searcy offered the following resolution:

Resolved, That with the concurrence of the House, the two Houses will assemble in the Hall of the House on Tuesday, 29th instant, at the hour of 12 of said day, to go into the election of a Judge of the Supreme Court, to fill the vacancy occasioned by the resignation of the Hon. E. S. Dargan.

The resolution was laid on the table.

Mr. Searcy introduced a bill to provide for electing county treasurers in the counties of Dale and Henry; which was read the first time and ordered to a second reading.

The engrossed bill to legalize a marriage between David Humphreys and Martha Griffin, was read the third time and lost. Yeas 15, nays 15.

Yeas—Messrs. President, Acklen, Baker, Bradford, Cöcke, Frazier, Gay, Hendrix, E. P. Jones, Kimbal, Lamar, McLemore, Malone, Peterson and Searcy.

Nays—Messrs. Ashley, Bethea, Blake, Brindley, Crenshaw, Dickinson, Hobdy, Hewlett, H. C. Jones, Kelly, Lee, Patton, Watts, Webb and Woodward.

Mr. Patton gave notice that he would move to reconsider this vote.

The engrossed bill to authorise the Court of County Commissioners to establish election precincts in the county of Franklin.

The engrossed bill to amend the charter of the town of Huntsville.

The engrossed bill to compensate jailors in certain cases, were severally read the third time and passed.

The bill from the House to amend sections 1744 and 1746 of the code, and

The bill from the House to authorise the Governor to issue a patent to a certain person therein named, were severally read the third time and passed.

The bill from the House to require the Circuit Clerk and Sheriff to receive county claims in payment of fines and forfeitures in the counties of Jefferson and Fayette, was read the third time and laid on the table.

The bill from the House to change the time of holding the Circuit Court of Barbour county, was read the third time and passed.

The bill from the House to regulate the pay of Grand and Petit Jurors in Covington county, was read the second time.

Mr. Ashley moved to amend; which was adopted and the bill ordered to a third reading.

The bill from the House to repeal an act approved 2d February, 1850, was read second time and ordered to a third reading; and also,

The bill to increase the pay of jurors in the county of Perry, was read the second time and ordered to a third reading.

The bill from the House to amend the Road Law so far as it relates to Choctaw county, was read the second time and referred to the Committee on the Judiciary.

The bill providing for the compensation of jurors in the Justices Courts in the county of Pike, and

The bill to amend the Patrol Law in Pickins county, were severally read the second time and ordered to a third reading.

The bill to amend section 204 of the code.

To amend section 3044 of the code.

To repeal sections 3270, 71 and 72 of the code.

To amend section 324, and repeal section 3251 of the code.

To repeal sections 3271 and 3272 of the code.

To amend the law in relation to the failure of Circuit Judges and Chancellors to hold their respective courts, were severally

read the second time and referred to the Committee on the Judiciary.

The bill to amend the act incorporating the Alabama and Noxubee Rail Road Company, was read the second time and referred to the Committee on Internal Improvements and Inland Navigation.

The bill to change the time of holding the courts in the first Judicial Circuit, was read the second time and referred to the Committee on the Judiciary.

The joint resolution to amend the constitution as to the extent of counties, was taken from the table, read the second time and ordered to be engrossed.

The bill for the relief of Thos. B. Grigg of Montgomery county, was taken from the table and passed.

And the Senate adjourned until Monday morning 10 o'clock.

NOVEMBER, 28, 1853.

The Senate met pursuant to adjournment.

Mr. President announced the committee appointed under the resolution offered by Mr. Peterson on Saturday, in reference to abolishing the Militia System. The committee consists of Messrs. Peterson, Powell, Ashley, Malone, McLemore, Frazier, Lee, Kelly and Woodward.

Mr. Webb presented the account of W. B. & A.—R. Bell and others; which were referred to the Committee on Accounts.

Mr. Blake from the Committee on the Judiciary, to whom was referred the bill to authorize A. W. Jones of Louisiana, remove the property of his ward, reported that it was inexpedient to legislate upon the subject. The report and bill were laid on the table.

Mr. Ashley, from the Committee on Propositions and Grievances, to whom was referred the bill to legalize a certain marriage therein named, reported an amendment; which was adopted and the bill ordered to be engrossed. Yeas 16, Nays 15.

Yeas—Messrs. President, Acklin, Baker, Bradford, Clanton, Frazier, Gay, Hendrix, E. P. Jones, Kimbal, Lamar, Lee, Malone, McLemore, Peterson and Searcy.

Nays—Messrs. Ashley, Bethea, Blake, Cocke, Crenshaw, Dickinson, Hobdy, Hewlett, Jemison, H. C. Jones, Kelly, Patton, Watts, Webb and Woodward.

Mr. Blake, from the Committee on the Judiciary, to whom was referred the bill for the compensation of jurors and constables in Henry and Dale counties, reported a substitute; which was adopted and the bill ordered to be engrossed.

Mr. Baker introduced a bill to repeal section 2257 of the code.

Mr. Crenshaw introduced a bill to provide for the pay of talis jurors. Which were severally read the first time and ordered to second reading.

On motion of Mr. Blake,

Resolved, The House of Representatives concurring, that a committee of three be appointed on the part of the Senate, to meet a like committee on the part of the House, to whom shall be referred so much of the Governor's Message as relates to the death of the late Hon. William R. King. Messrs. Blake, Acklen and Clanton, said Committee.

Mr. Brindley introduced a bill better to regulate the practice of medicine, under the Botanic System in this State.

Mr. Baker introduced a bill to amend the 5th clause of section 461 and to amend section 473 in the code.

Mr. Watts introduced a bill to change the time of taking up the State docket for Montgomery county. Which were severally read the first time and ordered to a second reading.

Mr. Patton moved to reconsider the vote taken, on Saturday, on the bill to legalize the marriage between David Humphries and Martha Griffin of Cherokee county. The vote was reconsidered and the bill passed. Yeas 18, Nays 12.

Yeas—Messrs. President, Acklen, Baker, Bradford, Clanton, Cocke, Frazier, Gay, Hendricks, Hobdy, E. P. Jones, Kimball, Lamar, Malone, McLemore, Peterson, Powell and Searcy.

Nays—Messrs. Ashley, Bethea, Crenshaw, Dickinson, Hewlett, Jemison, H. C. Jones, Lee, Patton, Watts, Webb and Woodward.

The bill to authorise executors, administrators and guardians to sell or compromise bad and doubtful debts, was taken from the table and recommitted to the Committee on the Judiciary.

A message from the House, by Mr. Elmore:

Mr. President: The House of Representatives concurs in the amendment made by the Senate to the resolution of the House, proposing to go into the election of a United States Senator, to fill the unexpired term of the Hon. Wm. R. King; also a Senator to fill the vacancy occasioned by the expiration of the term of the Hon. Jere Clemens.

The bill providing for the appointment of a general guardian for the county of Sumter.

The bill making copies of deeds evidence in certain cases.

The bill to increase the pay of jurors and witnesses in Lowndes county, and

The bill to repeal an act approved 2d February; were severally read the third time and passed.

The bill to increase the pay of jurors in the county of Perry, was read the third time and laid on the table.

The bill providing for the compensation of Jurors in Justices' Courts in Pike county in certain cases.

The bill to amend the Patrol Law in Pickens county.

The bill to regulate the pay of Grand and Petit Jurors of Covington county.

The bill for the relief of Lorenzo Dow Dean, of Butler county; and

The bill to repeal an act exempting certain persons from working on the public roads in the county of Choctaw; were severally read the third time and passed.

The bill to exempt from sale all necessary wearing apparel, was read third time and passed. Yeas 29, Nays 3.

Yeas—Messrs. President, Acklen, Ashley, Bethea, Blake, Baker, Bradford, Brindley, Cocke, Clanton, Frazier, Gay, Hendricks, Hobdy, Hewlett, Jemison, H. C. Jones, Kelly, Lamar, Lee, Malone, McLemore, Patton, Peterson, Powell, Searcy, Watts and Woodward.

Nays—Messrs. Crenshaw, E. P. Jones and Webb.

The engrossed joint resolution proposing amendments to the constitution, as to the extent of counties, was read the third time and passed. Yeas 26, Nays 4.

Yeas—Messrs. President, Acklen, Baker, Rethea, Blake, Bradford, Brindley, Clanton, Cocke, Crenshaw, Frazier, Gay, Hendricks, Hobdy, Hewlett, Jemison, E. P. Jones, Kelly, Kimball, Lamar, Lee, Patton, Peterson, Powell, Searcy and Woodward.

Nays—Messrs. H. C. Jones, Malone, McLemore and Webb.

The engrossed bill to amend the estray law was read the third time and passed.

Message from the House, by Mr. Elmore:

Mr. President: The House of Representatives have instructed me to invite the Senate into the hall of the House for the purpose of electing United States Senators, under the resolution passed by the House and amended by the Senate, bringing on the election at 12 m. to-day.

The Senate repaired to the hall of the House and the two Houses proceeded, first, to elect a Senator to fill the vacancy occasioned by the resignation of Hon. Wm. R. King; Benjamin Fitzpatrick and Wm. D. Dunn being in nomination.

Those who voted for Mr. Fitzpatrick are:

Messrs. President, Acklen, Baker, Bethea, Blake, Bradford, Brindley, Clanton, Cocke, Crenshaw, Dickinson, Frazier, Gay, Hendricks, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Malone, Patton, Peterson, Powell, Searcy and Woodward, of the Senate; and Messrs. Speaker, Abercrombie, Agee, Alldredge, Allen, Bell, Belser, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Cochran, Comer, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Irvin of Wilcox, Farrior, Fletcher, Foreman, Foscue, Fox, Garth, Gibson, Gilbreath, Gillam, Gordy, Green, Hall, Hanserd, Hays, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Irwin of Walker, Johnson, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, McCall of Barbour, Meek, Murphy, Musgrove, Nelms, Newman, Newell, Owen, Payne, Phillips, Portis, Reynolds, Rhodes, Robinson, Sanford, Scott, Skelton, St. John, Sterritt, Talbert, Thornton,

Todd, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver, Whitsitt, Wilkins, Wills and Yelverton, of the House—107.

Those who voted for Mr. Dunn, are :

Messrs. Ashley, Jemison, Lee, McLemore, Watts and Webb, of the Senate; and Messrs. Benners, Cole, Creagh, Hatcher, Inge, Jay, Shelly and Webb, of the House.

Messrs. Henry and Ward voted for Mr. Clemens. Mr. Pickett voted for Mr. Lyon.

Mr. Fitzpatrick having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected a Senator to the Congress of the United States, to fill the unexpired term of the Hon. Wm. R. King.

The two Houses then proceeded to elect a Senator to fill the vacancy occasioned by the expiration of the term of the Hon. Jere Clemens; C. C. Clay, Jr., and R. W. Walker being in nomination.

Those who voted for Mr. Clay, are :

Merris. President, Acklen, Bethea, Blake, Bradford, Brindley, Dickinson, Frazier, Gay, Hendricks, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Lamar, Malone, Patton, Powell, Webb and Woodward, of the Senate; and Messrs. Speaker, Agee, Alldredge, Allen, Bell, Benners, Bishop, Brown, Burnett, Camp, Carroll, Clifton, Cochran, Comer, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Irvin of Wilcox, Farrior, Fletcher, Foreman, Foscue, Fox, Garth, Gilbreath, Gordy, Greene, Hall, Hanserd, Hays, Hubbard, Humphreys, Irwin of Walker, Lawrence of Fayette, Lindsey, Martin, McBryde, McCall of Barbour, Meek, Murphy, Musgrove, Newell, Newman, Owen, Portis, Reynolds, Rhodes, Sanford, Scott, Skelton, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver, Whitsitt, Wilkins, Wills and Yelverton, of the House—85.

Those who voted for Mr. Walker, are :

Messrs. Ashley, Baker, Clanton, Cocke, Crenshaw, Jemison, Lee, McLemore, Peterson, Searey and Watts, of the Senate; and Messrs. Abercrombie, Belser, Calhoun, Cole, Gibson, Hill, R. H. J. Holly, Inge, Jay, Johnson, Judge, Lawrence of Cherokee, Lawrence of Shelby, McCall of Choctaw, Nelms, Odom, Payne, Phillips, Pickett, Robinson, Shelly, Todd, Ward, Webb and Yel-dell, of the House—37.

Those who voted for Mr. Clemens, are :

Messrs. Kimball of the Senate, and Messrs. Gillam, Henry, A. Holly, Horn and Laughinghouse, of the House—6.

Mr. Clay having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected a Senator to the Congress of the United States, for the term prescribed by the constitution.

The Senate returned to its chamber, and resumed the consideration of the order of the day :

The bill to provide for the election of County Treasurer for the Counties of Dale and Henry;

The bill relating to the burnt records of Butler county;

The bill to authorise the Commissioners's Court of Cherokee county to change the boundary of election prencincts in said county;

The bill to give the election of County Treasurer of Chambers county to the people; were severally read the second time and ordered to be engrossed.

The bill to authorize Robert Baugh and Edward Baugh to sell certain slaves for the purpose of division, was read second and third times and passed.

The bill to repeal, in part, an act to make the County Treasurer of Madison county and others elective by the people, was read the second time and ordered to be engrossed.

The bill to amend the charter of the Alabama and Tennessee River Rail Road Company, was read the second time and referred to the Committee on Internal Improvements.

The bill for the relief of John A. L. DeBerrie of Walker county;

The bill to increase the salaries of certain officers therein named;

The bill to repeal certain sections of the Code of Alabama in relation to election precincts; and

The bill to reduce the number of Judges on the Supreme Court bench; were severally read the second time and referred to the Committee on the Judiciary.

The bill to exempt certain persons persons from road duty, was read the second time and referred to the Committee on Roads, Bridges and Ferries.

And the Senate adjourned until to-morrow morning, 10 o'clock.

NOVEMBER 29, 1853.

The Senate met pursuant to adjournment.

Mr. McLemore presented the petition of sundry citizens of Tallapoosa county, in reference to the formation of a new county; which was referred to the Committee on the Judiciary.

Mr. Bradford presented the petition of P. E. Collins in regard to the obstructions in Mobile Harbor; which was referred to the Committee on Internal Improvements and Inland Navigation.

Mr. Watts presented the petition of G. L. Hogan; which was referred to the Committee on the Judiciary.

Mr. Ashley presented the petition of sundry citizens, praying that John Rudolph might have the privilege of erecting a dam, and building machinery on Patsaliga creek, in Covington county; which was referred to the Committee on Propositions and Grievances.

Mr. Bethea, from the Committee on Banks and Banking, to which was referred the bill to amend an act incorporating the Mo-

bile Live Stock and General Insurance Company, reported in favor of the bill; it was ordered to a third reading.

Mr. Bethea, from the Committee on Internal Improvement and Inland Navigation, reported the bill to incorporate the North-east and South-west Rail Road Company, with amendments; which were adopted.

Mr. Lee moved to amend the bill as follows:

Be it further enacted, That nothing in this act shall be so construed as to prevent other rail roads chartered by the authority of this State, from crossing or intersecting, or connecting with said rail road on such fair and equitable terms as are usual between rail roads; which was lost. Yeas 15, nays 17.

Yeas—Messrs. Baker, Bradford, Cocke, Crenshaw, Gay, Hendricks, Hobdy, Hewlett, E. P. Jones, Lee, Malone, Patton, Fowell, Searcy and Watts.

Nays—Messrs. President, Acklen, Ashley, Bethea, Blake, Brindley, Clanton, Dickinson, Frazier, Jemison, H. C. Jones, Kelly, Kimball, Lamar, Peterson, Webb and Woodward.

Mr. Hewlett moved to lay the bill on the table; which was lost.

Mr. Patton moved to strike out "thirty," and insert "fifteen," in the 18th section of the bill. The amendment was adopted, and the bill ordered to be engrossed.

Mr. Ashley, from the Committee on Propositions and Grievances, to whom was referred the bill for the relief of William A. Rogers, reported unfavorably.

The bill was laid on the table.

Mr. Blake, from the Committee on the Judiciary, to whom was referred the bill to amend the road law so far as relates to Choctaw county, reported favorably, and the bill was ordered to a third reading.

Mr. Blake, from the same committee, to whom was referred the bill to regulate the manner of selecting foremen of grand juries in the counties of Henry and Dale, reported unfavorably, and the report was concurred in.

Mr. Blake reported favorably on the bill to authorize the judge of probate of the county of Macon to grant letters of administration, and the bill was ordered to be engrossed.

Mr. Blake reported favorably on the bill to amend the law in relation to the failure of circuit judges and chancellors to hold their respective courts, and the bill was ordered to be engrossed.

Mr. Blake reported the bill in relation to civil proceedings before justices of the peace, with amendments; which were concurred in.

Mr. Frazier moved to postpone the bill indefinitely; which was carried.

Mr. Blake reported the bill to amend section 204 of the code, with amendments.

Mr. President, (Mr. Acklen in the chair,) moved to postpone the bill indefinitely; which was carried. Yeas 22, nays 9.

Yeas—Messrs. President, Acklen, Bethea, Blake, Bradford, Clanton, Cocke, Hendricks, Hobdy, Jemison, Kelly, Kimball, Lamar, Lee, Malone, McLemore, Patton, Peterson, Powell, Watts, Webb and Woodward.

Nays—Messrs. Baker, Brindley, Crenshaw, Dickinson, Gay, Hewlett, E. P. Jones, H. C. Jones and Searcy.

Mr. Blake reported the bill to amend the law in relation to the taxation of costs in the supreme court, and recommended its passage.

Mr. Cocke move to lay the bill on the table, and print 33 copies.

A division of the question being called, it was first taken on laying the bill on the table, and carried.

The question recurred on ordering the printing, and was lost.

Mr. President, (Mr. Acklen in the chair,) introduced a bill to provide for the safe keeping of the insane of this state charged with a felony.

Mr. Ashley introduced a bill for the relief of John Rudolph, of Covington county.

Mr. Kimball introduced a bill to repeal section 2131 of the new code.

Mr. Patton introduced a bill to remove Colbert Shoals, in the Tennessee river. Which were severally read the first time and ordered to a second reading.

A message was received from the House by Mr. Elmore:

Mr. President: The House of Representatives have concurred in the following resolution of the Senate:

Resolved, That the report of F. S. Lyon, commissioner and trustee of the State Bank and Branches, be referred to the select committee; and have appointed Messrs. Bell, Curry and Wilkins the committee on the part of the House.

Also the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House on Wednesday, the 30th instant, at 11 o'clock, a. m., for the purpose of electing a Solicitor for the 2d Judicial Circuit, for the 9th Judicial Circuit, and also for the 7th Judicial Circuit.

And the Senate adjourned until to-morrow morning 10 o'clock.

NOVEMBER 30, 1853.

Senate met pursuant to adjournment.

The resolution of the House contained in the message from that body on yesterday, proposing to elect Solicitors for the 2d, 7th and 9th Circuits, this day at 11 o'clock, was concurred in.

Mr. Cocke presented the petition of John Read, of Perry county; which was referred to the Committee on the Judiciary.

Mr. Woodward presented the petition of Eliza A. Gould; which was referred to the same committee.

Mr. Brindley presented the petition of John F. Dill; which was referred to the Committee on Internal Improvements.

Mr. Cocke presented the petition of the citizens of township 20, range 7; which was referred to the Committee on the Judiciary.

Mr. Blake, from the Committee on the Judiciary, to whom was referred the bill to amend section 3044 of the code, in relation to registers' commission reported unfavorably.

Mr. Baker moved to lay the report on the table; which was lost. The report was concurred in.

Mr. Crenshaw, from the committee to whom was referred the bill to amend the Code of Alabama in relation to township schools, reported a substitute; which was adopted, and the bill ordered to be engrossed.

Mr. Ashley reported favorably on the bill for the relief of John Rudolph, of Covington county.

On motion of Mr. Crenshaw, the bill was postponed until tomorrow.

Mr. Watts introduced a bill to regulate the fees of the Judge of Probate for Montgomery county.

Mr. Kelly introduced a bill to authorize the Governor to issue a land patent to Alfred Griffin, of Jefferson county.

Mr. Hobdy introduced a bill for the relief of James May, of Pike county. Which were severally read the first time, and ordered to a second reading.

Mr. Bethea presented a memorial of the General Assembly to the Congress of the United States, praying an appropriation for improving the navigation of Mobile Bay; which was read the first and second times, and referred to the Committee on Federal Relations.

On motion of Mr. Brindley:

Resolved, That the Committee on Sixteenth Sections inquire into the expediency of repealing all laws authorizing sales of sixteenth sections, with leave to report by bill or otherwise.

On motion of Mr. Jemison:

Resolved, With the concurrence of the House of Representatives, that the joint committee of the two Houses, to which was referred the report of F. S. Lyon, Commissioner and Trustee to settle the affairs of the State Bank and Branches, have power and authority to examine, audit and settle the account of said commissioner; and that they report their proceedings and the result of such settlement to each House.

Mr. President laid before the Senate a communication from Governor Collier, transmitting a copy of a letter received from O. H. Prince, President of the Board of Commissioners appointed to remove obstructions in the Tombeckbee river; which was referred to the Committee on Federal Relations.

The Senate proceeded to the consideration of the orders of the day:

The engrossed bills to incorporate the North East and South West Rail Road Company;

In relation to the failure of Circuit Judges and Chancellors to hold their respective courts.

To authorise the Judge of Probate of the county of Macon to grant letters of administration ;

To repeal, in part, an act to make the County Treasurer of Madison county and others elective by the people ;

To authorise the Commissioners' Court of Cherokee county to change the boundaries of election precincts in said county ; and

The bill from the House to amend the road law, so far as it relates to Choctaw ; were severally read the third time and passed.

The engrossed bill relating to the burnt records in Butler county, was read the third time and laid on the table.

Message from the House, by Mr. Elmore :

Mr. President : The House has passed a bill for the relief of the administrators of Wm. M. Gilkey, late of Pickens county.

The bill was read the first time and ordered to a second reading.

The engrossed bill to provide for the election of County Treasurers of Henry and Dale, was read the third time and passed.

The bill from the House to amend an act to incorporate the Mobile Live Stock and General Insurance Company, was read the third time and passed.

The engrossed bill to compensate Constables and Jurors in Justices' Courts ;

To give the election of County Treasurer of Chambers county to the people ; and

To legalize a certain marriage therein named ; were severally read the third time and passed.

Message was received from the House inviting the Senate into the hall of the House for the purpose of electing Solicitors, under a resolution adopted for that purpose.

The Senate repaired to the hall of the House, and the Houses proceeded, first, to elect a Solicitor for the second Judicial Circuit, Girart Hewett, John McCaskill, James A. Stallsworth and Wm. A. Beene being in nomination.

. FIRST BALLOT.

Those who voted for Mr. Hewett, are :

Messrs. Blake, Brindley, Hewlett, Jemison, Lamar, Powell and Searcy, of the Senate ; and Messrs. Cowan, W. P. Davis, Foreman, Gibson, Gilbreath, Gillam, Goodin, Greene, R. Holly, Lawrence of Shelby, McCall of Barbour, Odom, Payne, Phillips, Shelly, Skelton, St. John and Wills, of the House of Representatives—26.

Those who voted for Mr. McCaskill, are :

Messrs. Ashley, Clanton, Lee, McLemore, Peterson and Webb, of the Senate ; and Messrs. Abercrombie, Benners, Calhoun, Creagh, Irvin of Wilcox, Henry, Hill, Inge, Jay, Johnson, McCall of Choctaw, Pickett, Portis, Robinson, Sterritt, Todd, Ward, Webb and Wilkins, of the House of Representatives—25.

Those who voted for Mr. Stallsworth, are:

Messrs. Acklen, Baker, Bethea, Crenshaw, Dickinson, Frazier, Gay, Hobdy, E. P. Jones, H. C. Jones, Kelly, Malone, Patton, Watts and Woodward, of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Belser, Bishop, Burnett, Camp, Carroll, Cochran, Comer, Cook, Curry, Farrior, Fletcher, Foscue, Fox, Garth, Gordy, Hall, Hanserd, A. Holly, Hubbard, Irwin of Walker, Judge, Laughinghouse, Lawrence of Fayette, Lindsey, McBryde, Meek, Musgrove, Nelms, Newell, Owens, Reynolds, Rhodes, Rutherford, Scott, Talbert, Thornton, Vest, Walker of Mobile, Watkins, Weaver, Whitsitt, Yeldell and Yelverton, of the House of Representatives—62.

Those who voted for Mr. Beene, are:

Messrs. President, Bradford, Cocke, Hendricks and Kimball, of the Senate; and Messrs. Alldredge, Brown, Clifton, Cole, J. W. Davis, Hatcher, Humphreys, Lawrence of Cherokee, Martin, Murphy, Newman, Sanford and Walker of Lauderdale, of the House of Representatives—18.

SECOND BALLOT.

Those who voted for Mr. Stallsworth, are:

Messrs. Acklen, Ashley, Baker, Bethea, Crenshaw, Dickinson, Frazier, Gay, Hobdy, E. P. Jones, H. C. Jones, Kelly, Lee, Malone, Powell and Woodward, of the Senate; and Messrs. Speaker, Abercrombie, Agee, Allen, Bell, Belser, Bishop, Burnett, Camp, Carroll, Cochran, Cook, Curry, J. W. Davis, Farrior, Fletcher, Foscue, Fox, Garth, Gordy, Hall, Hanserd, Hays, Henry, A. Holly, Hubbard, Irwin of Walker, Johnson, Judge, Laughinghouse, Lawrence of Fayette, Lindsay, McBryde, Meek, Musgrove, Newell, Owen, Payne, Pickett, Portis, Reynolds, Rhodes, Rutherford, Scott, Talbert, Thornton, Vest, Walker of Lauderdale, Walker of Mobile, Ward, Watkins, Weaver, Webb, Whitsitt, Wilkins and Yelverton, of the House of Representatives—75.

Those who voted for Mr. Hewett, are:

Messrs. Blake, Brindley, Clanton, Hewlett, Jemison, Kimball, Lamar, Patton and Searcy, of the Senate; and Messrs. Comer, Cowan, W. P. Davis, Foreman, Gilbreath, Gillam, Goodin, Greene, R. H. J. Holly, Irwin of Walker, Lawrence of Shelby, McCall of Barbour, Odom, Phillips, Shelly, St. John and Wills of the House of Representatives—27.

Those who voted for Mr. McCaskill, are:

Messrs. McLemore, Peterson and Webb, of the Senate; and Messrs. Benners, Calhoun, Creagh, Hill, Horn, Irvin of Wilcox, Jay, Lawrence of Cherokee, McCall of Choctaw, Musgrove, Robinson, Sanford, Sterritt, Todd and Yeldell, of the House—18.

Those who voted for Mr. Beene, are:

Messrs. President, Bradford, Cocke and Hendrix, of the Senate; and Messrs. Alldredge, Brown, Clifton, Cole, Hatcher, Humphreys, Martin, Murphy, Newman and Skelton, of the House of Representatives—14.

Mr. Stallworth having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Solicitor of the second Judicial Circuit, for the term prescribed by the constitution.

The two Houses then proceeded to elect a Solicitor for the ninth Judicial Circuit, Johnson J. Hooper and John J. Woodward being in nomination.

Those who voted Mr. Woodward, are :

Messrs. President, Acklen, Bethea, Blake, Bradford, Brindley, Dickinson, Frazier, Gay, Hendricks, Hobdy, Jemison, E. P. Jones, H. C. Jones, Kelly, Lee, Malone, Powell, Searcy and Woodward, of the Senate; and Messrs. Speaker, Agee, Alldredge, Bishop, Camp, Carroll, Clifton, Cochran, Comer, Cook, Curry, J. W. Davis, W. P. Davis, Farrior, Fletcher, Foscue, Fox, Gordy, Hall, Hanserd, Hays, Henry, Hill, A. Holly, Hubbard, Humphreys, Irwin, Johnson, Lawrence of Fayette, Lawrence of Shelby, McBryde, Murphy, Musgrove, Newell, Newman, Owen, Reynolds, Rhodes, Scott, Skelton, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Walker of Lauderdale, Ward, Weaver, Whitsitt and Wills, of the House—71.

Those who voted for Mr. Hooper, are :

Messrs. Ashley, Baker, Clanton, Cocke, Crenshaw, Hewlett, Kimball, Lamar, McLemore, Patton, Peterson, Watts and Webb, of the Senate; and Messrs. Abercrombie, Allen, Belser, Benners, Brown, Burnett, Calhoun, Cole, Comer, Creagh, Foreman, Garth, Gibson, Gillam, Goodin, Greene, Hatcher, R. H. J. Holly, Horn, Inge, Irvin of Wilcox, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Martin, McCall of Barbour, McCall of Choctaw, Meek, Nelms, Odom, Payne, Phillips, Portis, Pickett, Robinson, Rutherford, Sanford, Shelly, Walker of Mobile, Watkins, Webb, Wilkins, Yeldell and Yelverton, of the House—59.

Mr. Woodward having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Solicitor for the ninth Judicial Circuit, for the term prescribed by the constitution.

The two Houses, proceeded, next, to elect a Solicitor for the seventh Judicial Circuit; Elliott P. Jones, Thomas E. Barclay, B. B. Little, A. E. Vanhooze and John H. Inge being in nomination.

FIRST BALLOT.

Those who voted for Mr. Vanhooze, are :

Messrs. President, Ashley, Baker, Bethea, Crenshaw, Hewlett, Jemison, Lee, McLemore, Patton, Searcy, Watts and Webb, of the Senate; and Messrs. Abercrombie, Agee, Bell, Brown, Cole, Cook, Creagh, Curry, Gibson, Goodin, Hanserd, Hatcher, Henry, Hill, A. Holly, Hubbard, Johnson, Judge, Laughinghouse, Lawrence of Shelby, Lindsey, Martin, Meek, Newell, Pickett, Robinson, Rutherford, Sterritt, Todd, Walker of Mobile, Ward, Watkins, Webb, Wilkins and Yeldell of the House of Representatives—48.

Those who voted for Mr. Jones, are:

Messrs. Bradford, Cocke, Dickinson, Frazier, Gay, Hendricks, Hobdy, H. C. Jones, Kelly, Kimball, Malone and Peterson, of the Senate; and Messrs. Speaker, Alldredge, Bishop, Camp, Carroll, Clifton, Comer, Cowan, Farrior, Foscue, Fox, Gordy, Hall, R. H. J. Holly, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, McBryde, McCall of Barbour, Musgrove, Nelms, Reynolds, Rhodes, Sanford, Scott, Shelly, Thornton, Vest, Walker of Lauderdale, Weaver, Willis and Yelverton, of the House—44

Those who voted for Mr. Barclay, are:

Messrs. Acklen, Brindley and Lamar, of the Senate; and Messrs. Fletcher, Garth, Gilbreath, Humphreys, Murphy, Newman and St. John, of the House—10.

Those who voted for Mr. Little, are:

Messrs. Clanton and Woodward, of the Senate; and Messrs. Burnett, W. P. Davis, Irvin, of Wilcox, Inge, McCall of Choctaw, Portis, Talbert and Whitsitt, of the House—10.

Those who voted for Mr. Inge, are:

Messrs. Blake and Powell, of the Senate; and Messrs. Belser, Benners, Calhoun, Cochran, J. W. Davis, Foreman, Gillam, Hays, Horne, Jay, Odom, Owen, Payne, Phillips and Skelton, of the House—17.

Second ballot, Mr. Barclay being withdrawn:

Those who voted for Mr. Vanhooose, are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Blake Crenshaw, Hewlett, Jemison, Kimball, Lee, Malone, McLemore, Patton Watts and Webb, of the Senate; and Messrs. Abercrombie, Agee, Bell, Brown, Cochran, Cole, Cook, Creagh, Curry, Gibson, Gillam, Goodin, Hanserd, Hatcher, Henry, Hill, A. Holly, Horne, Hubbard, Johnson, Judge, Laughinghouse, Lawrence of Shelby, Lindsay, Martin, Meek, Newell, Pickett, Robinson, Rutherford, Shelly, Skelton, St. John, Sterritt, Todd, Watkins, Webb, Wilkins and Yeldell, of the House—55.

Those who voted for Mr. Jones, are:

Messrs. Bradford, Cocke, Dickinson, Frazier, Gay, Hendrix, Hobdy, H. C. Jones, Kelly, Lamar, Peterson, Powell and Searcy, of the Senate; and Messrs. Speaker, Alldredge, Camp, Carroll, Clifton, Comer, Cowan, J. W. Davis, Farrior, Fletcher, Foscue, Fox, Garth, Gordy, Hall, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, McBryde, McCall of Barbour, Musgrove, Nelms, Payne, Portis, Reynolds, Rhodes, Sanford, Scott, Vest, Walker of Lauderdale, Walker of Mobile, Weaver, Wills and Yelverton, of the House—47.

Those who voted for Mr. Inge, are:

Messrs. Brindley and Clanton, of the Senate; and Messrs. Belser, Benners, Bishop, Burnett, Calhoun, W. P. Davis, Inge, Jay, McCall of Choctaw, Odom, Owen, Phillips and Ward, of the House—15.

Those who voted for Mr. Little, are:

Mr. Woodward, of the Senate; and Messrs. W. P. Davis, Irwin, of Wilcox, Murphy, Newman, Talbert, Thornton and Whitsitt, of the House—8

THIRD BALLOT.

Mr. Little being withdrawn.

Those who voted for Mr. Jones, are:

Messrs. Bradford, Cocke, Dickinson, Frazier, Gay, Hendrix, Hobdy, H. C. Jones, Kelly, Lamar, Malone, Peterson, Powell and Searcy, of the Senate; and Messrs. Speaker, Alldredge, Bishop, Burnett, Carroll, Clifton, Comer, Cowan, Farrior, Fletcher, Foscue, Fox, Garth, Gordy, Hall, Hays, Irvin of Walker, Lawrence of Cherokee, Lawrence of Fayette, McBryde, McCall of Barbour, Musgrove, Newman, Payne, Reynolds, Rhodes, Sanford, Scott, Vest, Walker of Lauderdale, Weaver, Wills and Yelverton, of the House—48.

Those who voted for Mr. Vanhooose, are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Blake, Brindley, Crenshaw, Hewlett, Jemison, Kimball, Lee, McLemore, Patton, Watts and Webb, of the Senate; and Messrs. Abercrombie, Agee, Bell, Belser, Brown, Camp, Cochran, Cole, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Irvin of Wilcox, Gibson, Goodin, Gillam, Hanserd, Hatcher, Henry, Hill, A. Holly, Horne, Hubbard, Humphreys, Johnson, Judge, Laughinghouse, Lawrence, of Shelby, Lindsey, Martin, Meek, Murphy, Nelms, Newell, Phillips, Pickett, Robinson, Rutherford, Shelly, Skelton, St. John, Sterritt, Talbert, Todd, Walker of Mobile, Ward, Watkins, Webb, Wilkins and Yeldell, of the House—66.

Those who voted for Mr. Inge, are:

Messrs. Clanton and Woodward, of the Senate; and Messrs. Ben-ners, Calhoun, Foreman, Greene, R. H. J. Holly, Inge, Jay, McCall of Choctaw, Odom, Owen, Portis and Whitsitt, of the House—14.

Mr. Vanhooose having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Solicitor for the 7th Judicial Circuit, for the term prescribed by the constitution.

The Senate returned to its chamber, and resumed the consideration of the orders of the day;

The bill to remove the Colbert Shoals, in the Tennessee river, was read the second time, and referred to the Committee on Internal Improvements and Inland Navigation;

The bill to provide for the safe keeping of the insane of this State charged with a felony;

The bill to repeal section 2131 of the new code;

The bill to regulate the practice of medicine under the botanic system in this State; and

The bill to repeal section 2257 of the code, were severally read the second time and referred to the Committee on the Judiciary.

The bill to provide for the pay of Tales Jurors;

The bill to change the time for taking up the State docket for Montgomery county, were severally read the second time, and ordered to be engrossed.

The bill to amend the fifth clause of section 461, and to amend section 473, in the code, was read the second time and referred to the Committee on the Judiciary.

And the Senate adjourned until to-morrow morning 10 o'clock.

DECEMBER 1, 1853.

The Senate met pursuant to adjournment.

Mr. Patton presented the petition of Charles Gookin; which was referred to a select committee of one member from each Congressional District.

Message from the House by Mr. Elmore.

Mr. President: The House has passed a bill to divorce a certain person therein named, in which the concurrence of the Senate is requested.

Mr. Acklen presented the account of Jordan & Moore; which was referred to the Committee on Accounts.

Mr. Ashley reported the bill for the relief of Wm. M. Jones, of Montgomery county, with an amendment, and recommended its passage.

On motion of Mr. Malone, the report and bill were laid on the table.

Mr. Patton, from the select committee appointed by the Senate, reported a bill to divide the State into seven Congressional Districts.

Mr. President (Mr. Cocke in the chair) moved to lay the bill on the table and print 133 copies; which was lost.

Mr. Crenshaw moved to suspend the rule and give the bill a second reading forthwith; which was lost.

Mr. Bethea moved to postpone the bill, and make it the special order for Monday.

Mr. H. C. Jones moved to postpone the bill until Saturday week, make it the special order for that day, and print 133 copies; which was carried.

Mr. Ashley reported a bill to regulate the sale of spirituous liquors on the Tennessee river, within one mile of Brown's Ferry; which was read the first time and ordered to a second reading.

Mr. Hendricks reported favorably on the bill to exempt certain persons from road duty. The bill was ordered to be engrossed.

The bill from the House to divorce a certain person therein named, was read the first, second and third times forthwith, and passed. Yeas 26, nays 2.

Yeas—Messrs. President, Acklen, Ashley, Baker, Blake, Bradford, Brindley, Clanton, Cocke, Crenshaw, Dickinson, Frazier, Gay, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Lee, Malone, Patton, Peterson, Searcy and Watts.

Nays—Messrs. Webb and Woodward.

The engrossed bill for changing the time of taking up the State docket for Montgomery county, was read the third time and passed.

The engrossed bill to provide for the pay of tales jurors was read the the third time.

Mr. President (Mr. Frazier in the chair) moved to postpone the bill indefinitely; which was carried. Yeas 16, nays 15.

Yeas—Messrs. President, Ashley, Bethea, Bradford, Cocke, Frazier, Gay, Hendricks, Hobdy, E. P. Jones, Kelly, Lamar, Malone, Patton, Peterson and Powell.

Nays—Messrs. Acklen, Baker, Blake, Brindley, Clanton, Crenshaw, Dickinson, Hewlett, H. C. Jones, Kimball, Lee, Searcy, Watts, Webb and Woodward.

Message from the House by Mr. Elmore.

Mr. President: The House concurs in the amendments made by the Senate to the following bills:

To regulate the pay of grand and petit jurors in the county of Covington, and for other purposes;

To increase the pay of jurors and witnesses in Lowndes county; For the relief of Lorenzo Dow Dean, of Butler county.

The House has also appointed Messrs. Sterritt, Scott and Judge, upon the part of the House, to act with the committee of the Senate, in regard to that part of the Governor's message which relates to the death of the Hon. Wm. R. King.

The engrossed bill to amend the Code of Alabama in relation to township schools, was read the third time and passed.

The bill from the House for the relief of the administrators of the estate of Wm. M. Gilkey, late of Pickens county, was read the second time and referred to the Committee on the Judiciary.

The bill for the relief of James May, of the county of Pike, was read the second time and ordered to be engrossed.

The bill for the relief of John Rudolph, of Covington county, was read the second time.

Mr. Crenshaw moved to amend; which was adopted, and the bill ordered to be engrossed.

The bill for the relief of Charles Gookin was read the first time and ordered to a second reading.

The bill to authorize the Governor to issue a land patent to Alfred Griffin, of Jefferson county, was read the second time and referred to the Committee on Sixteenth Sections.

The bill to regulate the fees of the Probate Judge of Montgomery county, was read the second time and ordered to be engrossed.

The Senate adjourned until to-morrow morning 10 o'clock.

DECEMBER, 2, 1853.

The Senate met pursuant to adjouement.

Mr. Patton, from the Committee on Internal Improvements and

Inland Navigation, to whom was referred the bill to incorporate the Tennessee and Alabama Central Rail Road Company, reported the same with amendments, and recommended its passage.

Mr. Malone moved to strike out "twelve months" from the section reported by the committee, and insert "two years;" which was adopted.

Mr. Malone then moved to lay the amendment on the table; which was lost.

The amendment as amended was then adopted, and the bill ordered to be engrossed.

Mr. Blake, from the Committee on the Judiciary, reported favorably on the bill to authorize the removal of the administration of the estate of Robert J. Cole, deceased, and the bill was ordered to a third reading.

Mr. Blake reported the bill to amend the fifth clause of section 461, and amend section 473 of the code, with an amendment; which was concurred in, and the bill ordered to be engrossed.

Mr. Blake reported unfavorably on the bill to amend section 3249, and to repeal section 3251 of the code.

Mr. Baker moved to lay the report on the table; which was lost. The report was concurred in.

Mr. Blake reported unfavorably on the bill to repeal section 2257 in the code, &c., and the report was concurred in.

Mr. Hewlett, from the Committee on Federal Relations, to whom was referred the memorial to Congress, praying an appropriation for the purpose of improving the harbor of Mobile, and deepening Choctaw Pass and Dog river bar, reported the same to the Senate, and recommended its passage. The memorial was ordered to be engrossed.

The petition of the citizens of township 20, in Perry county, was reported to the Senate by Mr. Blake, with a suggestion that the same be referred to the Committee on Sixteenth Sections. The petition was so referred.

Mr. Jemison, from the joint committee to whom was referred the report of F. S. Lyon, Commissioner and Trustee, &c., made the following

REPORT:

The joint committee of the two Houses of the General Assembly, to whom was referred the report of F. S. Lyon, (Commissioner and Trustee to settle the affairs of the State Bank and Branches, and to provide for the payment of the public debt of the State,) with instructions to audit and settle his account, instruct me to report:

That in order to have convenient access to all books, papers, accounts, reports and vouchers relating to the business superintended and conducted by said Commissioner and Trustee, and

referred to in his report of his official transactions from the first November, 1851, to first November, 1853, they held their meetings in the Branch of the State Bank in this city.

In the first instance, the committee proceeded to a minute and careful examination of the cash account between the Commissioner and the State, from 1st November, 1851, to 1st November, 1853, showing his receipts and disbursements of money on account of the State during that period.

At the close of the last settlement of his cash account, made and reported by a joint committee of the last General Assembly, the balance then found to be on hand, and for which he was chargeable, was..... \$52,104 39
He has since that time, up to first November, ult.,
received from various sources for the State, as
shown and explained in his account.....\$1,870, 75 61

Amounting, in all, to.....\$1,922,580 00
Of this sum he has expended, in paying interest, redeeming the public debt and otherwise as shown
in his account, the sum of..... 1,866,711 60

Leaving an unexpended balance on hand of..... \$55,868 40
Which unexpended balance is on deposited to the credit of the Commissioner and subject to his order.

The committee carefully examined each item of the account, and compared the same with the vouchers therefor, and find a satisfactory and proper voucher for every item, however small. The items were all not only found strictly correct and authorised by law, but many of them showed arrangements and investments of the public money highly judicious and profitable to the State.

No part of the public business of the State has attracted more attention, than that entrusted to the Bank Commissioner, nor has any officer of the State been charged with more responsible duties, or so large discretionary powers; hence the committee have felt it their duty to carefully and closely examine into his transactions.

They have endeavored to inform themselves whether in the receipts and disbursements of the public money, in sums so large, and often in items so numerous and various, the system adopted would operate as a check upon the several persons through whose hands the public money might pass. By the papers, reports and accounts submitted to their examination, they found that under the plan adopted and practised, all monies collected by or for each of the banks, in the first instance went into the bank to which it belonged, the Assistant Commissioners being held accountable for it. He was required to show from what debt or source each credit in bank was derived, and the list of debts furnished the General Assembly, at each session, the books of the bank, his monthly re-

ports of his account to the Commissioner and his semi-annual report of collections to the Governor operate as a check upon him. When money was paid out by the bank to, or upon the order of the Commissioner, or placed to his credit at other places, the bank charged it to the Commissioner. The account from from each bank laid before your committee operates as a check upon the Commissioner.

The account of cash received and disbursed by the Commissioner was verified by the vouchers, together with the profits made for the State, is the one we have examined and settled as herein stated. A more perfect system than the one observed in the banks, could not, in the opinion of your committee, have been adopted in the settlement of their troublesome and complicated affairs, and your committee, from their examination of what has been done by the Commissioner and his assistants, are satisfied it has been carried out with a degree of industry, fidelity and ability that probably could not have been surpassed in closing such a business.

Your committee next turned their attention to the profit and loss account of the Commissioner.

By reference to the report of the joint committee of last session it was ascertained that up the 1st November, 1851, the Commissioner had made for the State and realized in cash by purchase of Treasury notes, six per cent. United States stock, and in dealing in exchange, independent of what had been saved by the State by the discount on bonds purchased, the sum

of.....	\$317,248 60
The amount of nett cash profit made and realized since 1st November, 1851, up to 1st November, 1853, (also exclusive of discount on bonds purchased) has been.....	166,871 69
	\$484,120 29
Less amount premium on North Carolina and Virginia bonds.....	27,181 08
Shows profit of.....	\$456,939 21
To which should be added present premium on above bonds—say five per cent.....	45,000 00
Showing a nett profit to the State of.....	\$501,939 21
If to this sum we add amount saved to the State in the redemption of her bonds.....	997,295 75

We have a total nett gain of..... \$1,499,234 96

Your committee next proceeded to examine the accounts of collections from the several banks from 1st November, 1851, to 1st November, 1853, as shown in the Commissioner's report.

They then examined the circulation account and find the same to be correct as stated in the report, showing the amount of outstanding circulation of all the banks to be \$291,237.

The attention of your committee was next directed to that portion of the Commissioner's report relating to the sale of the State's stock in the Bank of Mobile. At the time of the sale the stock in the Bank of Mobile was at par:

The State held stock in the Bank..... \$600,000

For which the Bank agrees to deliver the State's bonds
for like amount, paying interest from date
of sale..... \$600,000

The State was also discharged from a debt
due the Bank, of..... \$84,000

Less one-half amount of previous
dividends received from the

Bank.....	31,400	52,500	652,500
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			\$52,500
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Showing a profit over purchase of.....
Equal to about $8\frac{7}{8}$ per cent. premium.

This, it is true, is some two per cent. less than the present market value of Mobile Bank stock, which has increased by the gains of the bank since the date of the sale. But the rapid appreciation of the stock has been mainly owing to the divorce of the State from its connection with the bank effected by the sale.

Your committee believe the sale was most judicious at the time, and that nothing more could have been made if the State had retained its interest longer, as this very retention would have prevented the appreciation of the stock of the bank to its present value.

They then looked into the account of bonds on hand and outstanding, of which they here present a tabular statement, from which it will be seen at a glance, amount and description of bonds outstanding as well as those that have been redeemed, and from which it will also be seen that the amount outstanding, as well as the annual interest to be provided for, and the balance of the debt actually against the State to be provided for, is as stated by the Commissioner.

The bonds redeemed since November, 1851, and the North Carolina and Virginia six per cent. bonds were counted and found correct.

Our bond debt when the banks were placed in liquidation, as will be seen from the accompanying tabular state-

ment, was.....	\$9,232,555	55
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Bearing an annual interest of.....	\$472,757	77
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Which debt is now reduced to.....	3,584,666	67
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Bearing an annual interest of.....	178,523	33
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The entire circulation of the banks outstanding 1st November, 1847, was..... \$457,177 00

Which is now reduced to \$290,237

During the process of winding up the banks the outstanding circulation has not been redeemed with specie, but the fact of its being received in payment of taxes and other public dues, and the general confidence felt in the skillful management of the Commissioner in closing up the affairs of the banks, and in the good faith of the State, has caused the bills to pass at or near par, and they are at this time, for all ordinary business purposes, quite equal to the notes of the specie paying banks of the State.

While the community has sustained no loss by their circulation, the State has derived very great and important advantages therefrom.

The most sanguine friends of the system adopted and pursued in winding up and closing the affairs of the banks, had not in its commencement ventured to predict, or hope so favorable a result as has been witnessed.

Your committee, in presenting a state of facts so auspicious and gratifying to the people of the State, regret to learn that the officer mainly instrumental in bringing about a state of things so conducive to the credit and flattering to the prospects of the State, finds it no longer convenient to remain in office where his labors have been so signally useful to the public.

Though the affairs of the State Bank and Branches have been so nearly closed, there is yet such an amount of unsettled business as in the opinion of your committee to demand the continuance, for at least another term, of a system that has been attended with such unparalleled success. The business having been so far reduced and simplified, they recommend a reduction of the salary of Commissioner and Trustee to twenty-five hundred dollars, and in accordance with these views, I am instructed by the committee to report the accompanying bill.

Your committee, in conclusion, take this occasion to express their entire approbation of every transaction of the Commissioner which has come within their investigation, and to say that his skillful management of the monied concerns of the State, has produced results and yielded profits much beyond what were hoped for by the most sanguine of those acquainted with the means at his command, and the nature and condition of the business out of which so large a sum has been saved to the State.

In evidence of their very high opinion of the eminent and faithful services of the Commissioner, from the commencement to the close of his official duties, they recommend the passage of the following resolutions:

Resolved, That the Senate has learned, with regret, the determination of F. S. Lyon to retire from the office of Commissioner and Trustee of the State Bank and Branches, the duties of which he has so long discharged with such distinguished fidelity and ability.

And be it further resolved, That in evidence of their high appre-

ciation of his services, the thanks of the Senate are hereby tendered to him, and that the President of the Senate be requested to furnish him a copy of these resolutions.

R. JEMISON, Jr.,
Chairman on part of the Senate.

J. BELL,
Chairman on part of House of Representatives.

BONDS OUTSTANDING 1ST APRIL, 1847.

Rate of Interest.	Amount of Bonds.	Annual Interest.	When Due.	Where Payable.
6 Per Cent...	\$100,000 00	\$6,000 00	1850	New York.
5 " ..	300,000 00	15,000 00	1852	"
5 " ..	3,500,000 00	175,000 00	1863	"
5 " ..	459,000 00	22,950 00	1865	"
5 " ..	382,000 00	19,100 00	1866	"
5 " ..	500,000 00	25,000 00	1865	N. Orleans.
5 " ..	500,000 00	25,000 00	1866	"
6 " ..	1,013,000 00	60,780 00	1850	London.
5 " ..	1,438,555 55	52,177 77	1858	"
5 " ..	1,435,000 00	71,750 00	1866	"
	<u>\$9,232,555 55</u>	<u>\$472,757 77</u>		

BONDS OUTSTANDING 1ST NOVEMBER, 1853.

Rate of Interest.	Amount of Bonds.	Annual Interest.	When Due.	Where Payable.
6 Per Cent...	\$100,000 00	\$6,000 00	1870	New York.
5 " ..	2,091,000 00	104,550 00	1863	"
5 " ..	55,000 00	2,750 00	1865	"
5 " ..	190,000 00	9,500 00	1872	"
6 " ..	729,000 00	43,740 00	1870	London.
5 " ..	594,666 67	29,733 33	1858	"
5 " ..	725,000 00	36,250 00	1866	"
	<u>\$4,484,666 67</u>	<u>\$232,523 33</u>		
Less interest on \$900,000 N. Carolina and Virginia 6's.,		54,000 00		
		<u>\$178,523 33</u>		

The resolutions reported by the committee were uuanimously adopted.

Mr. Frazier offered the following resolution:

Resolved, That the report of the joint examining committee to examine, audit and settle the account of F. S. Lyon, Commissioner and Trustee, be recommitted to said committee with instructions to have copies printed in connection with the report of F. S. Lyon.

The blank was filled with 2000.

Mr. Malone moved to strike out all of the resolution after the word printed; which was carried, and the resolution as amended was adopted.

Mr. Jemison reported a bill to continue a commissioner and trustee to close the remaining business of the banks, and for other purposes; which was read the first time and ordered to a second reading.

Mr. Woodward, from the Committee on Privileges and Elections; to whom was referred so much of the Governor's message as relates to the election of certain judicial officers by the people, reported joint resolutions proposing amendments to the constitution in relation to the election of Attorney General and Solicitor.

Also, joint resolutions in relation to the election of Chancellors; which were severally read the first time and ordered to a second reading.

Mr. Jemison introduced a bill to incorporate the Bank of Tuscaloosa; which was read the first and second times forthwith, and referred to the Committee on Banks and Banking.

Mr. Patton introduced a bill to amend the charter of the Northern Bank of Alabama; which was read the first time and ordered to a second reading.

The bill to regulate sheriff's sales in the connty of Franklin, was taken from the table and passed.

Mr. Blake introduced a bill to regulate the taking of testimony in cases in chancery; which was read the first time and ordered to a second reading.

Mr. Acklen introduced a preamble and joint resolution asking the legislature of Mississippi to grant to the President and Directors of the Memphis and Charleston Rail Road the right of way; which were read the second time forthwith, and ordered to be engrossed.

Mr. Hendrix introduced a bill to authorize the county commissioners of Cherokee county to make settlement with the building committee of the town of Centre, &c.

Mr. Hendrix also introduced a bill to alter and amend section 1372, of the code;

And a bill to repeal section 3271 of the Code of Alabama; which were severally read the first time and ordered to a second reading.

On motion of Mr. Brindley:

Resolved, That the Committee on the Judiciary inquire whether any additional remedy be necessary against insolvent debtors in actions of tort; and whether it be necessary in actions of slander, or any other actions, to require security for costs from insolvent plaintiffs at the commencement of, or during the pendency of the suit.

Mr. Watts moved to take from the table the bill for the relief of Wm. M. Jones; which was carried.

The House refused to order the bill to be engrossed.

Mr. Malone moved to take from the table the bill for the relief of Wm. A. Rogers.

The Senate refused to take the bill from the table.

Mr. Brindley offered the following resolution:

Resolved, That the committee on Inland Navigation and Internal Improvement, inquire into the expediency of building a main central rail road through the centre of the State, or as nearly so as practicable, across the mountainous part of the State, the distance of, say sixty miles, to include the worst part, or the part which is hardest to build, for the purpose of connecting the north and south sections of the State; and applying, either by investing as stock, or by loaning to a company in sums of five or ten thousand dollars, to be secured by mortgages on real estate, all such funds as are held by the State not otherwise appropriated, now on hand or henceforth to be received in trust, and especially such as now do, or are hereafter likely to burthen the people with taxation, and report by bill or otherwise.

Mr. Patton moved to lay the resolution on the table; which was lost.

The resolution was adopted.

Mr. Webb introduced the following resolution:

Resolved, That with the concurrence of the House of Representatives, the two House will adjourn *sine die*, on Monday, the 26th instant.

On motion of Mr. Bethea the resolution was laid on the table.

Mr. Bethea moved to reconsider the vote taken on the bill for the relief of Wm. M. Jones; which was carried.

And the Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER 3, 1853.

The Senate met pursuant to adjournment.

Mr. President (Mr. Malone in the chair) presented the petition of the ladies of Mill Town Creek, on the subject of temperance.

Mr. Clanton moved that the petition be referred to a committee composed of one from each judicial circuit; which was carried.

Mr. President laid before the Senate a report from the Comptroller in regard to the sixteenth sections in this State; which was referred to the Committee on Sixteenth Sections.

Mr. President also laid before the Senate the resignation of F.

S. Lyon, Commissioner and Trustee, &c. ; which was laid on the table.

The message from the House, received yesterday, was taken up, and the bill to provide for the assessment of taxes in the counties of Greene and Perry was read the first and second times forthwith and referred to the Committee on Finance.

On motion of Mr. Baker:

Resolved, That the Judiciary Committee of the Senate be requested to inquire into the expediency of so amending the constitution of the State of Alabama as to return to annual instead of biennial sessions of the legislature, and report by joint resolutions or otherwise.

On motion of Mr. Dickinson.

Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Representatives' Hall on Wednesday next at 12 o'clock, for the purpose of electing a Chancellor for the Southern Division of the State of Alabama, to supply the vacancy occasioned by the resignation of Hon. Joseph W. Lesesne.

Mr. Blake introduced a bill to authorize the judge of the 2d judicial circuit, or such other judge as he may procure, to hold a special term of the court in and for the county of Dallas.

The bill was read the first, second and third times forthwith, and passed.

Mr. Jemison introduced a bill to provide for the registration of the names of steam boat owners; which was read the first and second times forthwith, and referred to the Committee on the Judiciary.

Mr. Bethea introduced a bill to authorize the corporate authorities of the city of Mobile to subscribe to stock in the Girard Rail Road Company; which was read the first and second times, and referred to the Committee on Inland Navigation and Internal Improvement.

Mr. Watts presented the petition of G. S. Hogan; which was referred to the Committee on Sixteenth Sections.

On motion of Mr. Patton:

Resolved, That the Judiciary Committee be instructed to inquire into the constitutionality of legislating on the evils growing out of the retail of spirituous or intoxicating drinks in this State, so as to prohibit by law the sale thereof.

Ordered, that leave of absence be granted to Mr. Gay.

The engrossed bill to amend the 5th clause of section 461, and to amend section 473 of the code, was read the third time. The Senate refused to pass the bill. Yeas 8, nays 18.

Yeas—Messrs. Baker, Crenshaw, Dickinson, Frazier, Hewlett, E. P. Jones, Searcy and Webb.

Nays—Messrs. President, Acklen, Ashley, Bethea, Bradford, Clanton, Cocke, Hendricks, Hobdy, Jemison, H. C. Jones, Kelly, Malone, Patton, Peterson, Powell, Watts and Woodward.

The engrossed bill to regulate the fees of the judge of probate of Montgomery county, was read the third time and passed.

Mr. Bethea moved to take from the table the resolution proposing to adjourn *sine die* on the 26th instant. The question was taken on the motion to strike out 26th and insert 23d, and carried.

Mr. Cocke moved to postpone the resolution indefinitely; which was lost. Yeas 11, nays 20.

Yeas—Messrs. President, Blake, Cocke, Crenshaw, Hewlett, Kelly, Kimball, Peterson, Powell, Searcy and Watts.

Nays—Messrs. Acklen, Ashley, Baker, Bethea, Bradford, Brindley, Clanton, Dickinson, Frazier, Hendricks, Hobdy, Jemison, E. P. Jones, H. C. Jones, Lamar, Lee, Malone, Patton, Webb and Woodward.

Mr. Hendricks moved to postpone the further consideration of the resolution until the 20th instant.

And the Senate adjourned until Monday morning 10 o'clock.

DECEMBER 5, 1853.

Senate met pursuant to adjournment.

Mr. President announced the committee of one from each Judicial Circuit, to whom was referred the petition of the ladies of Mill Town Creek, on the subject of temperance, to consist of Messrs. Clanton, Acklen, Webb, Watts, Blake, Bethea, Patton, Powell, and Woodward.

Mr. Woodward from the Committee on Privileges and Elections, to whom was referred so much of the Governor's message as relates to the election of Judges of the Supreme Court, Comptroller of Public Accounts, Treasurer and Secretary of State by the people, reported that it was inexpedient to legislate on the subject.

Ordered, that the report lie on the table.

Mr. Dickinson from the Committee on Finance, to whom was referred the bill to provide for the extension of time for the assessment of taxes in the counties of Greene and Perry, reported favorably, and the bill was read the third time and passed.

Mr. Frazier, from the Committee on Sixteenth Sections, reported favorably on the bill to authorize the Governor to issue a land patent to Alfred Griffin, of Jefferson county, with an amendment; which was concurred in, and the bill ordered to be engrossed.

Mr. Dickinson reported that it was inexpedient to pass the bill for the relief of the tax payers in the State of Alabama. The report was concurred in. Yeas 20, Nays 6.

Yeas—Messrs. President, Acklen, Ashley, Bethea, Blake, Bradford, Brindley, Clanton, Dickinson, Frazier, E. P. Jones, H. C. Jones, Kelly, Lamar, Lee, Malone, Patton, Powell, Webb and Woodward.

Nays—Messrs. Baker, Hendricks, Hobdy, Kimball, Peterson and Searcy.

Mr. Webb introduced a bill for the relief of the heirs of John E. Lipscomb, late of Greene county; which was read the first time and ordered to a second reading.

Mr. President (Mr. Malone in the chair) introduced a bill to aid

the Alabaman and Tennessee Rail Road; which was read the first and second times forthwith, and referred to the Committee on Internal Improvement.

On motion of Mr. Patton:

Resolved, That the Committee on Inland Navigation and Internal Improvement be instructed to inquire into the expediency of adopting a general and uniform system of improvements in the State; and if in the opinion of said committee the present and prospective interests of Alabama claims the action of the legislature, and that the energies and resources of the State be so directed, the said committee be requested to report a bill embodying such principles as are best calculated to advance the great interests of the State.

Mr. Bradford introduced a bill to authorize George Hill to sell and convey certain real estate; which was read the first time and ordered to a second reading.

Mr. Bethea introduced a bill to amend the charter of the Bank of Mobile; which was read the first and second times forthwith, and ordered to be engrossed.

On motion of Mr. E. P. Jones:

Resolved, That the Committee on Federal Relations be instructed to inquire into the expediency of memorializing Congress to give the State of Alabama power to apply such portion of the two and three per cent. fund to equalize the sixteenth section fund, and in aid of common schools, as the legislature may think proper, and if expedient, to report a joint memorial for that purpose.

On motion of Mr. Frazier:

The bill to authorize Zachariah Isbell to sell and convey his individual estate in certain lands, was taken from the table and re-committed to the Committee on the Judiciary.

The Senate resumed the consideration of the resolution proposing to adjourn *sine die* on the 23d instant.

Mr. Hendricks moved to postpone the further consideration of the resolution until the 22d day of December; which was carried. Yeas 16, nays 15.

Yeas—Messrs. President, Acklen, Bethea, Blake, Clanton, Crenshaw, Hendricks, Hewlett, Kelly, Kimball, Malone, Patton, Peterson, Powell, Watts, and Woodward.

Nays—Messrs. Ashley, Baker, Bradford, Brindley, Cocke, Dickinson, Frazier Hobdy, Jemison, E. P. Jones, H. C. Jones, Lamar, Lee, Searcy and Webb.

Mr. Watts introduced a bill to provide for the assessment and collection of taxes; which was read the first and second times, and referred to the Committee on Finance.

On motion of Mr. Peterson, the bill for the relief of Dr. Lockhart of Russell county, was taken from the table, and re-committed to the Committee on Accounts.

The vote on the bill for the relief of Wm. M. Jones, of Montgomery county, was reconsidered, and the bill ordered to be engrossed. Yeas 18, nays 11.

Yeas—Messrs. Ashley, Baker, Brindley, Clanton, Cocke, Hobdy, Jemison, Kimball, Lamar, Lee, Malone, Patton, Peterson, Powell, Searcy, Watts and Woodward.

Nays—Messrs. President, Acklen, Blake, Crenshaw, Dickinson, Frazier, Hendricks, E. P. Jones, H. C. Jones, Kelly and Webb.

The engrossed bill relating to the burnt records of Butler county, was taken from the table and passed.

The bill from the House to authorize the removal of the administration on the estate of Robert J. Cole, &c., was read the third time and passed.

The bill to exempt certain persons from road duty was read the third time, and

On motion of Mr. Peterson laid on the table.

The engrossed bill for the relief of John Rudolph, of Covington county, was read the third time and passed.

The engrossed bill for the relief of James May of the county of Pike ;

The preamble and joint resolutions asking the legislature of Mississippi to grant to the Memphis and Charleston Rail Road the right of way through a certain part of said State ;

The memorial of the General Assembly of the State of Alabama to the Congress of the United States, asking an appropriation for improving the navigation of Mobile bay ;

And the bill to incorporate the Alabama and Tennessee Central Rail Road Company, were severally read the third time and passed.

The bill to continue the office of Commissioner and Trustee to close the affairs of the State Bank and Branches, was read the second time and ordered to be engrossed.

The joint resolutions proposing an amendment to the constitution, so as to elect the attorney general and solicitor by the people, was read the second time and ordered to be engrossed. Yeas 17, nays 10.

Yeas—Messrs. President, Acklen, Baker, Brindley, Clanton, Crenshaw, Dickinson, Frazier, Hendricks, E. P. Jones, Kelly, Lamar, Malone, Peterson, Powell, Searcy and Woodward.

Nays—Messrs. Ashley, Blake, Bradford, Cocke, Hobdy, H. C. Jones, Lee, Patton, Watts and Webb.

The joint resolution proposing to amend the constitution so as to elect Chancellors by the people, was read the second time and ordered to be engrossed.

The bill to regulate the sale of spirituous liquors upon the waters of the Tennessee river, within one mile of Brown's Ferry, was read the second time and ordered to be engrossed. Yeas 26, nays 4.

Yeas—Messrs. President, Acklen, Ashley, Baker, Bethea, Blake, Brindley, Clanton, Cocke, Crenshaw, Dickinson, Frazier, Hendricks, Hobdy, Jemison, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Lee, Malone, Patton, Searcy, Watts and Woodward.

Nays—Messrs. Bradford, Peterson, Powell and Webb.

The bill to regulate the taking of testimony in cases of chancery ; And the bill to amend section 1372 of the code, were severally read the second time and referred to the Committee on the Judiciary.

The bill to authorize the county commissioners of Cherokee to make settlement with building committee, &c., was read the second time and ordered to be engrossed.

The bill to amend the charter of the Northern Bank of Alabama, was read the second time and referred to the Committee on Banks and Banking.

The bill to repeal section 3271 of the code, was read the second time and referred to the Committee on the Judiciary.

The bill for the relief of Charles Gookin, was read the second time and referred to a select committee.

Mr. Watts introduced a bill to amend the city charter of Montgomery, and for other purposes ;

Also, a bill to amend the charter of the Alabama and Florida Rail Road Company. Which were severally read the first time and ordered to a second reading.

And the Senate adjourned until 10 o'clock to-morrow morning.

DECEMBER 6, 1853.

The Senate met pursuant to adjournment.

Mr. President laid before the Senate the report of the commissioners appointed to examine the affairs of the Bank of Mobile ; which was referred to the Committee on Banks and Banking.

Mr. Kelly presented the petition of Wm. Tyler, of Jefferson county ; which was referred to the Committee on Propositions and Grievances.

Mr. Lamar presented the petition of James Critcher ; which was referred to the Committee on Propositions and Grievances.

Mr. Bethea, from the Committee on Inland Navigation and Internal Improvement, reported unfavorably on the bill to repeal a certain act therein named.

The Senate refused to concur in the report. Yeas 13, nays 17.

Yeas—Messrs. Acklen, Ashley, Bethea, Bradford, Clanton, Dickinson, Jemison, H. C. Jones, Lamar, McLemore, Patton, Webb and Woodward.

Nays—Messrs. President, Baker, Blake, Brindley, Cocke, Crenshaw, Frazier, Hendricks, Hobdy, Hewlett, E. P. Jones, Kelly, Kimball, Lee, Peterson, Malone and Searcy.

Mr. Jemison moved to lay the bill on the table, which was carried.

Mr. Kimball presented the petitions of Obediah and Susan Eason, and John and Isaac H. Stowe, which were referred to the Committee on Propositions and Grievances.

Mr. Bethea reported to the House the letter of O. H. Prince, &c., as not requiring further legislation.

The report was concurred in.

Mr. Bethea reported the bill to authorize the city of Mobile to subscribe stock in the Girard Rail Road, with an amendment, which was concurred in, and the bill ordered to be engrossed.

Mr. Malone, from the Committee on Banks and Banking, reported a bill to authorize the several banks of this State to issue bills of a less denomination than five dollars, which was read the first time and ordered to a second reading.

Mr. Blake reported that it was inexpedient to grant the prayer of Eliza A. Gould, which was concurred in, and leave granted to withdraw the petition.

A message from the House by Mr. Elmore.

Mr. President: The House of Representatives has passed a bill from the Senate to incorporate the Mobile Transportation and Insurance Company, and have amended the same as therein shown.

The amendment of the House to said bill was concurred in.

Mr. Blake reported unfavorably on the bill to incorporate the Mobile and Dog River Manufacturing Company.

The report and bill were laid on the table.

Mr. Blake reported unfavorably on the bill to reduce the number of Judges on the Supreme Court Bench.

Mr. Webb moved to re-commit the bill, with instructions to prepare and report a substitute of the bill, reducing the number of Judges on the Supreme Court Bench, hereafter to be elected, to three, which was carried. Yeas 18, Nays 13.

Yeas—Messrs. President, Bethea, Bradford, Cocke, Crenshaw, Frazier, Hendricks, Hobdy, Jemison, E. P. Jones, Lamar, Lee, Malone, McLemore, Powell, Webb and Woodward.

Nays—Messrs. Acklen, Ashley, Baker, Blake, Dickinson, Hewlett, H. C. Jones, Kelly, Kimball, Patton, Peterson, Searcy and Watts.

The petition of sundry citizens in regard to the sale of spirituous liquors near Dog River Factory, was reported by the Judiciary Committee without action, and referred to the select committee.

Mr. Blake reported unfavorably on the bill to repeal sections 3270-71-72 of the code.

The Senate refused to concur in the report, and ordered the bill to be engrossed.

Mr. President laid before the Senate the report of the trustees of the Alabama Insane Hospital, which was referred to the Committee on Finance.

Mr. President, also, laid before the Senate a letter from the Commissioner of the General Land Office, in regard to the swamp lands in Alabama, which was referred to the Committee on Internal Improvement and Inland Navigation.

Mr. Acklen, from the Judiciary Committee, to whom was re-

ferred so much of the Governor's message, as relates to slaves and the sale of under execution, &c., reported that it was inexpedient to legislate upon the subject. The report was concurred in.

Mr. H. C. Jones, from the Judiciary Committee, to whom was referred the bill from the House to exempt certain property from sale, by executors and administrators, reported a substitute, which was adopted, and ordered to a third reading.

Mr. Kimball introduced a bill for the relief of John A. Stowe and Isaac H. Stowe.

Mr. Blake introduced a bill to authorize Reese D. Gayle, administrator of Billups Gayle, deceased, to move the administration from Clarke to Dallas county, which were severally read the first time and ordered to a second reading.

The engrossed bill to amend the charter of the Bank of Mobile, was read third time and passed.

The engrossed bill to continue a commissioner and trustee to close the affairs of the bank and for other purposes, was read the third time, and

On motion of Mr. Bradford, made the special order of the day for Saturday next.

The engrossed bill to authorize the county commissioners of Cherokee county to make settlement with building committee, &c., was read third time and passed.

The engrossed joint resolution proposing amendments to the constitution, in relation to the election of chancellors, was read the third time and rejected, not receiving the constitutional majority. Yeas 19, Nays 11.

Yeas—Messrs. President, Acklen, Baker, Brindley, Clanton, Crenshaw, Dickinson, Frazier, Hendricks, Hobdy, Hewlett, E. P. Jones, Kelly, Lamar, McLeMore, Peterson, Powell, Searcy and Woodward.

Nays—Messrs. Ashley, Bethea, Blake, Bradford, Cocke, H. C. Jones, Kimball, Lee, Patton, Watts and Webb.

The engrossed joint resolution proposing amendments to the constitution, in relation to the election of attorney general and solicitors, was read the third time and passed. Yeas 20, Nays 10.

Yeas—Messrs. President, Acklen, Baker, Brindley, Clanton, Crenshaw, Dickinson, Frazier, Hendricks, Hewlett, E. P. Jones, Kelly, Kimball, Malone, McLemore, Patton, Peterson, Powell, Searcy and Woodward.

Nays—Messrs. Ashley, Bethea, Blake, Bradford, Cocke, Hobdy, H. C. Jones, Lee, Watts and Webb.

The engrossed bill to regulate the sale of spirituous liquors upon the waters of the Tennessee river, within one mile of Brown's Ferry, was read the third time and passed.

The engrossed bill for the relief of Wm. M. Jones, of Montgomery county, was read the third time and passed.

Yeas—Messrs. Ashley, Baker, Bethea, Bradford, Brindley,

Clanton, Cocke, Kimball, Lee, McLemore, Patton, Peterson, Powell, Searcy, Watts and Woodward.

Nays—Messrs. President, Acklen, Crenshaw, Dickinson, Frazier, Hendricks, Hewlett, E. P. Jones, H. C. Jones, Kelly and Webb.

On motion of Mr. Malone, the bill for the relief of Wm. A. Rogers was taken from the table and recommitted to the Committee on Propositions and Grievances.

On motion of Mr. Kimball:

Resolved, That the use of the Senate chamber be granted to the convention of teachers at 7 p. m., this evening, and that the door-keeper be instructed to furnish a sufficiency of seats and lights for said convention.

The engrossed bill to authorise the Governor to issue a land patent to Alfred Griffin, of Jefferson county, was read the third time and passed.

The bill to authorise George Hill to sell and convey certain real estate; and

The bill for the benefit of the heirs of John E. Lipscomb, deceased, late of Greene county; were severally read the second time and referred to the Committee on the Judiciary.

The bill to amend the charter of the Alabama and Florida Rail Road Company, was read second time and referred to the Committee on Internal Improvement and Inland Navigation.

The bill to amend the charter of Montgomery and for other purposes, was read second time and ordered to be engrossed.

Mr. Baker introduced a bill to exempt the county of Russell from the operations of section 327 of the code, which was read the first time and ordered to a second reading.

And the Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER 7, 1853.

The Senate met pursuant to adjournment.

Mr. Malone presented a memorial from sundry citizens in reference to a central rail road; which was referred to the Committee on Internal Improvement and Inland Navigation.

Mr. Cocke presented the petition of sundry citizens of Perry county in relation to the trial of slaves; which was referred to the Committee on the Judiciary.

Mr. Blake reported favorably on the bill for the relief of John A. L. DeBerrie, of Walker county, and the bill was ordered to be engrossed.

Mr. Blake reported unfavorably on the bill to repeal a certain word in the code, and the report was concurred in.

Mr. Blake, from the Judiciary Committee, to whom was referred a resolution directing said committee to enquire whether any additional remedy be necessary against insolvent debtors in actions of tort, reported that it was inexpedient to legislate upon the subject.

Mr. Blake reported favorably on the bill to provide for the registration of the names of steam boat owners, and the bill was ordered to be engrossed.

Mr. Blake reported unfavorably on the bill to provide for the safe keeping of the insane of this State charged with a felony, reported that it was inexpedient to pass the bill. The report was concurred in.

Message from the House by Mr. Elmore, informing the Senate that the House has concurred in the resolution of the Senate proposing to elect a Chancellor for the Southern Division, this day at 12 o'clock.

Mr. Blake reported unfavorably on the bill, better to regulate the practice of Medicine under the Botanic System in this State. The Senate refused to concur, and the bill was referred to a select committee.

Mr. Cocke reported, as correctly enrolled, an act to incorporate the Mobile Transportation and Insurance Company.

Mr. Blake reported unfavorably on the bill to repeal sections 3271 and 3272 of the code. The report and bill were laid on the table.

Mr. Patton, from the Select Committee, to whom was referred the bill for the relief of Charles Gookin, reported the bill to the Senate and recommended its passage. The report and bill were laid on the table.

The Senate, upon invitation from the House, repaired to the hall of the House, and the two Houses proceeded to elect a Chancellor for the Southern Division; Wade Keyes, Sterling Cato and Francis S. Bugbee being in nomination.

FIRST BALLOT.

Those who voted for Mr. Keyes, are:

Messrs. Ashley, Clanton, Frazier, Hewlett, Jemison, H. C. Jones, Lamar, Lee, Malone, Patton and Watts, of the Senate; and Messrs. Abercrombie, Allen, Benners, Carroll, Cowan, Cook, Fletcher, Garth, Gilbreath, Gillam, Hanserd, Henry, Hill, A. Holly, Horn, Hubbard, Humphreys, Jay, Judge, Laughinghouse, Lindsey, Martin, Nelms, Payne, Pickett, Rhodes, Rutherford, Sanford, Shelly, Todd Walker of Mobile, and Watkins, of the House of Representatives—43.

Those who voted for Mr. Bugbee, are:

Messrs. Acklen, Baker, Brindley, Cocke, Crenshaw, Kimball, Hendricks, McLemore, Powell and Webb, of the Senate; and Messrs. Agee, Belser, Bishop, Brown, Camp, Cole, Creagh, Ervin of Wilcox, Goodin, Hall, R. H. J. Holly, Inge, Lawrence of Cherokee, Lawrence of Shelby, Meek, Owen, Phillips, Robinson, Scott, Sterritt, Webb and Yeldell, of the House of Representatives—32.

Those who voted for Mr. Cato, are:

Messrs. President, Bethea, Blake, Bradford, Dickinson, Hobdy,

E. P. Jones, Kelly, Peterson, Searcy, Woodward, of the Senate; and Messrs. Speaker, Alldredge, Bell, Burnett, Calhoun, Clifton, Cochran, Comer, Curry, J. W. Davis, W. P. Davis, Farrior, Findley, Foscue, Fox, Gordy, Hays, Irwin of Walker, Johnson, Lawrence of Fayette, McBryde, McCall of Barbour, McCall of Choctaw, Murphy, Newell, Newman, Odom, Reynolds, St. John, Talbert, Thornton, Vest, Weaver, Whitsitt, Wills and Yelverton, of the House of Representatives—48.

SECOND BALLOT.

Those who voted for Mr. Keyes, are:

Messrs. Ashley, Baker, Clanton, Frazier, Hewlett, Jemison, H. C. Jones, Lamar, Lee, Malone, Patton, Watts, of the Senate; and Messrs. Abercrombie, Allen, Benners, Carroll, Cowan, Cook, Fletcher, Garth, Gillam, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Judge, Laughinghouse, Lindsey, Martin, McCall of Choctaw, Nelms, Payne, Pickett, Rhodes, Rutherford, Sanford, Shelly, Todd, Walker of Mobile, Watkins and Webb, of the House of Representatives—45.

Those who voted for Mr. Bugbee, are:

Messrs. Acklen, Brindley, Cocke, Crenshaw, Kimball, McLemore, Powell and Webb, of the Senate; and Messrs. Agee, Belser, Bishop, Brown, Camp, Cole, Creagh Foreman, Goodin, Hall, Inge, Ervin of Wilcox, Lawrence of Cherokee, Lawrence of Shelby, Meek, Owen, Phillips, Robinson, Scott and Sterritt, of the House of Representatives—28.

Those who voted for Mr. Cato, are:

Messrs. President, Bethea, Blake, Bradford, Dickinson, Hendricks, Hobdy, E. P. Jones, Kelly, Peterson, Searcy and Woodward, of the Senate; and Messrs. Speaker, Alldredge, Bell, Burnett, Calhoun, Clifton, Cochran, Comer, Curry, J. W. Davis, W. P. Davis, Farrior, Findley, Foscue, Fox, Gordy, Hays, Irwin of Walker, Jay, Johnson, Lawrence of Fayette, McBryde, McCall of Barbour, Murphy, Musgrove, Newell, Newman, Odom, Reynolds, St. John, Talbert, Thornton, Vest, Weaver, Whitsitt, Wills, Yel-dell and Yelverton, of the House of Representatives—50.

THIRD BALLOT.

Those who voted for Mr. Keyes, are:

Messrs. Ashley, Baker, Clanton, Frazier, Hewlett, Jemison, H. C. Jones, Kimball, Lamar, Lee, Malone, Patton, Watts and Webb, of the Senate; and Messrs. Speaker, Allen, Benners, Carroll, Cole, Fletcher, Foscue, Garth, Gilbreath, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Laughinghouse, Lindsey, Martin, McCall of Choctaw, Nelms, Payne, Pickett, Rhodes, Rutherford, Sanford, Shelly, Todd, Vest, Walker of Mobile, Watkins and Webb, of the House of Representatives—47.

Those who voted for Mr. Buabee, are:

Messrs. Acklen, Cocke, Crenshaw, McLemore and Powell of the Senate; and Messrs. Agee, Belser, Bishop, Burnett, Camp, Cow-

an, Cook, Creagh, Ervin of Wilcox, Foreman, Gillam, Goodin, Hall, Inge, Irwin of Walker, Jay, Lawrence of Choctaw, Lawrence of Shelby, Meek, Owen, Phillips, Robinson, Scott, Sterritt and Yeldell, of the House of Representatives—30.

Those who voted for Mr. Cato, are:

Messrs. President, Bethea, Blake, Bradford, Brindley, Dickinson, Hendricks, Hobdy, E. P. Jones, Kelly, Peterson, Searcy and Woodward, of the Senate; and Messrs. Speaker, Alldredge, Bell, Brown, Calhoun, Clifton, Cochran, Comer, Curry, J. W. Davis, W. P. Davis, Farrior, Findley, Fox, Gordy, Hays, Johnson, Lawrence of Fayette, McBryde, McCall of Barbour, Murphy, Musgrove, Newell, Odom, Reynolds, St. John, Talbert, Thornton, Weaver, Whitsitt, Wills and Yelverton, of the House of Representatives—46.

FOURTH BALLOT.

Those who voted for Mr. Keyes, are:

Messrs. Ashley, Baker, Clanton, Frazier, Hewlett, Jemison, H. C. Jones, Kimball Lamar, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate; and Messrs. Abercrombie, Allen, Belser, Benners, Carroll, Cole, Cowan, Cook, Fletcher, Foreman, Garth, Gilbreath, Gillam, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Inge, Jay, Judge, Laughinghouse, Lindsey, Martin, McCall of Choctaw, Nelms, Payne, Phillips, Pickett, Rhodes, Rutherford, Sanford, Shelly, Todd, Walker of Mobile, Watkins, Webb and Yeldell, of the House of Representatives—53.

Those who voted for Mr. Bugbee, are:

Messrs. Acklen, Cocke, Crenshaw and Powell, of the Senate; and Messrs. Agee, Bishop, Brown, Camp, Ervin of Wilcox, Goodin, Hall, Lawrence of Cherokee, Lawrence of Shelby, Meek, Owen, Robinson and Sterritt, of the House of Representatives—17.

Those who voted for Mr. Cato, are:

Messrs. President, Bethea, Blake, Bradford, Brindley, Dickinson, Hendricks, Hobdy, E. P. Jones, Kelly, Peterson, Searcy and Woodward, of the Senate; and Messrs. Speaker, Alldredge, Bell, Burnett, Calhoun, Clifton, Cochran, Comer, Curry, J. W. Davis, W. P. Davis, Farrior, Findley, Foscue, Fox, Gordy, Hays, Irwin of Walker, Johnson, Lawrence of Fayette, McBryde, McCall of Barbour, Murphy, Musgrove, Newell, Newman, Odom, Reynolds, Scott, St. John, Talbert, Thornton, Vest, Weaver, Whitsitt, Wills and Yelverton, of the House of Representatives—50.

FIFTH BALLOT.

Mr. Bugbee withdrawn.

Those who voted for Mr. Keyes, are:

Messrs. Acklen, Ashley, Baker, Clanton, Cocke, Crenshaw, Frazier, Hewlett, Jemison, H. C. Jones, Kimball, Lamar, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate; and

Messrs. Abercrombie, Allen, Belser, Benners, Calhoun, Carrol, Cole, Cowan, Cook, Creagh, Fletcher, Foreman, Garth, Gilbreath, Gillam, Hall, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Inge, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, Martin, McCall of Choctaw, Meek, Nelms, Payne, Phillips, Pickett, Rhodes, Robinson, Rutherford, Sanford, Shelly, Todd, Walker of Mobile, Watkins, Webb and Yeldell, of the House of Representatives—66.

Those who voted for Mr. Cato, are:

Messrs. President, Bethea, Blake, Bradford, Dickinson, Hendricks, Hobdy, E. P. Jones, Kelly, Peterson, Powell, Searcy and Woodward, of the Senate; and Messrs. Speaker, Agee, Alldredge, Bell, Bishop, Brown, Burnett, Camp, Clifton, Cochran, Comer, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Findley, Foscue, Fox, Gordy, Greene, Hays, Irwin of Walker, Jay, Lawrence of Fayette, McBryde, McCall of Barbour, Murphy, Musgrove, Newell, Newman, Owen, Odom, Reynolds, Scott, Sterritt, St. John, Talbert, Thornton, Vest, Weaver, Whitsitt, Wills and Yelverton, of the House of Representatives—58.

Mr. Keyes having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected a chancellor for the southern division of Alabama, for the term prescribed by the constitution.

The Senate repaired to its chamber.

The Senate adjourned until to-morrow morning 10 o'clock.

DECEMBER, 8, 1853.

Senate met pursuant to adjournment.

Mr. President laid before the Senate an invitation from the Grand Lodge to attend the annual oration to be delivered this day. The communication was laid on the table.

Mr. Clanton presented a petition of sundry citizens of Macon county in regard to an election precinct, which was referred to the Committee on Privileges and Elections.

Mr. Blake reported unfavorably on the petition of G. P. Hogan. The report was concurred in.

Mr. Blake reported unfavorably on the bill to repeal section 3271 of the code. The report was concurred in.

Mr. Blake reported unfavorably on the bill to authorise George Hill to sell and convey certain real estate. The report was laid on the table.

Mr. Blake reported unfavorably on the bill to authorise executors, administrators and guardians to compromise bad and doubtful debts, &c. The report was concurred in.

Mr. Frazier reported a bill to repeal all laws authorizing school lands. The bill was read the first time and ordered to a second reading.

Mr. Bethea introduced a bill to aid in establishing a system of internal improvement in this State, which was read the first time, laid on the table, and 133 copies ordered to be printed.

Mr. Blake introduced a bill to incorporate the Bank of Selma.

Mr. E. P. Jones introduced a bill to amend sections 24 and 47 of the code.

Mr. Jemison introduced a bill to amend sections 21 and 37 of the code, which were severally read the first time and ordered to a second reading.

Mr. Cocke reported, as correctly enrolled, "an act to amend the charter of the city of Mobile."

Mr. Powell introduced a bill to incorporate the Wetumpka Mutual Insurance and Trust Company, which was read the first time and ordered to a second reading.

Mr. Dickinson moved to adjourn till to-morrow, 10 o'clock, which was lost. Yeas 13, Nays 15.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Bethea, Cocke, Dickinson, Hendricks, Hewlett, H. C. Jones, Lamar, Malone, Patton and Powell.

Those who voted in the negative are:

Messrs. Ashley, Baker, Brindley, Clanton, Crenshaw, Frazier, Hobdy, Jemison, E. P. Jones, Kelly, Lee, McLemore, Searcy, Webb and Woodward.

Mr. President (Mr. Brindley in the chair) introduced a bill to provide for taking the deposition of witnesses, who reside out of the county where the trial is to be had.

Mr. Searcy introduced a bill to amend the road law in Henry county, which were severally read the first time and ordered to a second reading.

Message from the house by Mr. Elmore—

Mr. President: The house has adopted the following resolution;

Resolved, (the senate concurring,) That the two houses will assemble in the hall of the House, on Friday next at 12 m., to elect a Secretary of State.

The house has appointed Messrs. Meek, Weaver, Wills, Lindsey and Cowan, a committee to act with a like committee on the part of the senate, to make all necessary arrangements for the inauguration of the Governor elect, in which the concurrence of the senate is requested.

Mr. President (Mr. Brindley in the chair) introduced a bill to modify and amend section 3035 of the code, which was read the first and second times forthwith and referred to the Committee on the Judiciary.

Mr. Bethea moved that the senate do now adjourn until to-morrow morning at 10 o'clock, which was carried. Yeas 15 Nays 12.

Those who voted in the affirmative are:

Messrs. President, Acklen, Bethea, Blake, Clanton, Cocke, Dickinson, Hendricks, Hewlett, Jemison, Lamar, Malone, Patton, Powell and Webb.

Those who voted in the negative are:

Messrs. Ashley, Baker, Brindley, Crenshaw, Frazier, Hobdy, E. P. Jones, Kelly, Lee, McLemore, Searcy and Woodward;

And the senate accordingly adjourned.

DECEMBER, 9th, 1853.

The senate met pursuant to adjournment.

The senate concurred in the resolution of the house, proposing to elect a Secretary of State this day at 12 m., and also, in the resolution proposing to appoint a committee of five to make arrangements for the inauguration of the Governor elect. Messrs. Malone, McLemore, Bethea, Webb and Blake, were appointed on the part of the senate.

Mr. Crenshaw, from the Committee on the Judiciary, to whom was referred the bill to reduce the number of Judges on the Supreme Court Bench, with instructions, reported a substitute in lieu of the original bill, which was adopted and the bill ordered to be engrossed.

Mr. Ashley reported favorably on the bill for the relief of William Tyler, of Jefferson county.

The report was concurred in.

Mr. Dickinson, from the Committee on the Judiciary, to whom was referred the bill to repeal section 2131 of the code, reported that it was inexpedient to pass the bill.

The report was concurred in.

The amendments of the house to the bill to incorporate the North-east and South-west Rail Road Company, were concurred in.

The following message from the house was taken up:

Mr. President: The house has passed bills of the following titles, to-wit:

To cause the county treasurer and the county surveyor of Cherokee county to be elected by the people;

For the relief of W. B. Ray, tax collector of Montgomery county;

To authorize the County treasurer of Jefferson county to pay over certain funds, &c.;

To authorize the probate court of Montgomery to grant letters of administration on the estate of Wesley B. Hall, &c.;

To authorize the probate judge to direct the sale of slaves, by guardians, in certain cases;

Defining the duties of the tax collector in Lowndes county in certain cases;

To authorize sheriffs to qualify claimants;

To regulate the pay of jurors for the county of Coffee;

- To repeal in part section 2056 of the code;
- To alter section 3482 of the code, &c.;
- To provide for the payment of jurors and witnesses before coroner's inquests.
- To repeal the patrol laws in Baldwin county;
- To repeal in part the patrol laws in the counties of Marshall, Cherokee, Dekalb and others;
- Fixing the time for the election of the county commissioners of each county in the State;
- To allow the commissioners of section 16, township 4, range 15, in Covington county, certain compensation therein named;
- Giving the courts of probate jurisdiction to compel the administrator or executor of a deceased administrator or executor to settle, &c.;
- To authorize the administrator of James W. Casken, to sell the property of said decedent;
- To regulate the sale of real and personal property, by administrators or executors;
- A bill amendatory of the laws on the subject of lives on steamboats and other water crafts;
- To allow pay to jurors in certain cases;
- For the relief of certain persons therein named;
- For the better government of slaves on farms and plantations;
- To prescribe the time in which laws hereafter shall take effect;
- To authorize the Bank of Mobile, the Southern and Northern Banks of Alabama to issue bills of a less denomination than five dollars.

The bills mentioned in the message from the senate were severally read the first time and ordered to a second reading, except the bill to authorize and empower the administrator of James W. C. Askew, late of Mobile county, deceased, to sell the property of said decedent, which was read the first and second times forthwith and referred to the Committee on the Judiciary.

Mr. Crenshaw introduced a bill to take the census of the State of Alabama for the year 1855.

And a bill to amend section 1281 of the code, which were severally read the first time and ordered to a second reading.

Mr. Hendricks offered the following preamble and resolution, which were adopted:

WHEREAS, doubts exist as to the constitutional term of the state treasurer and comptroller of public accounts.

Therefore be it resolved, That the Committee on the Judiciary be instructed to enquire into the facts relating thereto, and report to the senate at an early day, by bill or otherwise.

On motion of Mr. Brindley:

Resolved, That so much of the Governor's message as relates to the providing a seal of State be referred to the Committee on Finance.

Mr. Hendricks introduced a bill to restrict the county commissioners of Cherokee county in levying taxes, which was read the first time and ordered to a second reading.

Mr. Malone presented a report and resolution, from the State Teachers' Association. The resolution was adopted.

The bill for the relief of Charles Gookin was taken from the table.

Mr. Frazier moved to refer it to the Committee on the Judiciary, which was lost.

The senate refused to order the bill to be engrossed. Yeas 15, Nays 13.

Yeas—Messrs. Ashley, Baker, Bethea, Brindley, Cocke, Hobdy, H. C. Jones, Lee, Malone, Patton, Searcy, Webb and Woodward.

Nays—Messrs. President, Acklen, Blake, Bradford, Crenshaw, Dickinson, Frazier, Hendricks, Hewlett, E. P. Jones, Kelly, Lamar and McLemore.

Mr. Woodward introduced a preamble and joint resolution of the General Assembly of the State of Alabama, to the General Assembly of the State of Georgia; which was read the first, second and third times and passed.

Mr. Cocke reported as correctly enrolled, an act to amend the charter of the Bank of Mobile;

And an act for the relief of Susan Goodwin, of Pickens county.

A message was received from the Governor, informing the Senate that he had approved an act to incorporate the Mobile Transportation and Insurance Company.

An act to amend the charter of the Bank of Mobile.

The bill from the House to repeal a certain portion of an act incorporating the Pickens Guards, was read the first time and ordered to a second reading.

The bill to amend the city charter of Montgomery, was read the third time and passed.

The bill to repeal sections 3270, 3271 and 3272 in the code, was read the third time and passed.

This vote was reconsidered.

Ordered, that leave of absence be granted to Messrs. Peterson and Clanton.

The hour of 12 having arrived, a message was received from the House, inviting the Senate into the hall of the House for the purpose of electing a Secretary of State. The Senate repaired to the hall of the House, and the two Houses proceeded to the election; Vincent M. Benham, John H. Caldwell and Robert W. Higgins being in nomination.

Those who voted for Mr. Higgins, are:

Messrs. Bradford Frazier, Hobdy, Lamar, Lee and Powell of the Senate; and Messrs. Speaker, Alldredge, Bishop, Brown, Camp, Comer, Cowan, Cook, Curry, Fletcher, Foreman, Foscue, Gillam, Goodin, Gordy, Greene, Henry, A. Holly, Humphreys,

Lawrence, of Shelby, Lindsey, Meek, Murphey, Newell, Owen, Phillips, Scott, Shelly, Sterritt, Vest and Whitsitt—37.

Those who voted for Mr. Caldwell are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Jemison, Kelly, Searcy, Webb and Woodward, of the Senate; and Messrs. Agee, Allen, Bell, Burnett, Clifton, Cochran, W. P. Davis, Fox, Garth, Hall, Hays, Martin, McBryde, McCall of Barbour, Newman, Robinson, Sanford, St. John, Talbert, Walker of Mobile, Ward, Weaver, Wills and Yelverton—36.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Malone, McLemore, Patton and Watts, of the Senate; and Messrs. Abercrombie, Belser, Benners, Calhoun, Carroll, Cole, Creagh, J. W. Davis, Findley, Gilbreath, Hanserd, Hill, R. H. J. Holly, Horne, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Musgrove, Nelms, Odom, Pickett, Reynolds, Rhodes, Rutherford, Thornton, Todd, Watkins, Webb and Yeldell—47.

Neither of the candidates having received a majority, the two houses proceeded to ballot a second time.

Those who voted for Mr. Higgins, are:

Messrs. Bradford, Brindley, Frazier, Lamar, Lee and Powell, of the Senate; and Messrs. Speaker, Alldredge, Bishop, Brown, Camp, Comer, Cowan, Cook, Curry, Fletcher Foreman, Goodin, Gordy, Greene, A. Holly, Humphreys, Johnson, Lawrence of Shelby, Meek, Murphy, Musgrove, Newman, Owen, Phillips, Reynolds, Scott, Shelly, Sterritt and Vest—36.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Bethea, Blake, Dickinson, Hendricks, Jemison, Kelly, Searcy, Webb and Woodward, of the Senate; and Messrs. Agee, Allen, Bell, Burnett, Clifton, Cochran W. P. Davis, Foscue, Fox, Garth, Hall, Hays, Lindsey, Martin, McBryde, McCall of Barbour, Newell, Robinson, Sanford, St. John, Talbert, Walker of Mobile, Weaver, Whitsitt, Wills and Yelverton of the House—37.

Those who voted for Mr. Benham are:

Messrs. Ashley, Baker, Cocke, Crenshaw, H. C. Jones, Malone, McLemore, Patton and Watts, of the Senate; and Messrs. Abercrombie, Belser, Benners, Calhoun, Carroll, Cole, Creagh, J. W. Davis, Findley, Gilbreath, Gillam, Hanserd, Henry, Hill, R. H. J. Holly, Hubbard, Inge, Irwin of Walker, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence, of Fayette, McCall of Choctaw, Nelms, Odom, Pickett, Rhodes, Rutherford, Thornton, Todd, Ward, Watkins, Webb and Yeldell, of the House—44.

Neither of the Candidates having received a majority, the two Houses proceeded to a third ballot.

Those who voted for Mr. Higgins are:

Messrs. Bradford, Brindley, Frazier, Hobdy, Lamar and Powell, of the Senate; and Messrs. Alldredge, Bishop, Brown, Camp, Comer, Cowan, Cook, Curry, Fletcher, Foreman, Foscue, Goodin, Greene, A. Holly, Humphries, Lawrence of Shelby, Meek, Murphy, Newman, Owen, Reynolds, Scott, Shelly, Sterritt and Vest, of the House—31.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Bethea, Blake, Dickinson, Hendricks, Searcy, Webb and Woodward, of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Burnett, Clifton, Cochran, J. W. Davis, W. P. Davis, Findley, Fox, Garth, Gordy, Hall, Hays, Martin, McBryde, McCall of Barbour, Musgrove, Newell, Robinson, Sanford, St. John, Talbert, Walker of Mobile, Weaver, Whitsitt, Wills and Yelverton, of the House—38.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, Jemison, E. P. Jones, H. C. Jones, Kelly, Lee, Malone, McLemore, Patton and Watts, of the Senate; and Messrs. Abercrombie, Belser, Benners, Calhoun, Carroll, Cole, Creagh, Gillam, Hanserd, Henry, Hill, R. H. J. Holly, Horne, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Lindsey, Nelms, Odom, Phillips, Pickett, Rhodes, Rutherford, Thornton, Todd, Ward, Watkins, Webb and Yeldell, of the House—50.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a fourth time.

The name of Mr. P. H. Brittan being also in nomination.

Those who voted for Mr. Higgins, are:

Messrs. Bradford, Frazier, Hobdy and Lamar, of the Senate; and Messrs. Alldredge, Bishop, Brown, Comer, Cowan, Cook, Creagh, Curry, Fletcher, Foreman, Foscue, Goodin, Greene, A. Holly, Humphreys, Lawrence of Shelby, Meek, Murphy, Newell, Newman, Owen, Reynolds, Scott, Shelly, Sterritt and Vest, of the House—30.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Searcy and Woodward, of the Senate; and Messrs. Agee, Allen, Bell, Burnett, Clifton Cochran, W. P. Davis, Fox, Garth, Gilbreath, Gordy, Hanserd, Hays, Martin, McBryde, McCall of Barbour, Robinson, Sanford, St. John, Talbert, Walker of Mobile, Whitsitt and Wills, of the House—32.

Those who voted for Mr. Benham are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Lee, Malone, Patton, Watts and Woodward, of the Senate; and Messrs. Abercrombie, Belser, Benners, Calhoun, Carroll, Cole, J. W. Davis, Findley, Gillam, Henry, R. H. J. Holly, Horne, Hubbard, Inge, Irvin of Walker, Jay, Judge, Johnson, Laughinghouse, Lawrence of Fayette, McCall of Choctaw,

Nelms, Phillips, Pickett, Rhodes, Rutherford, Thornton, Ward, Watkins, Webb and Yeldell, of the House—43.

Those who voted for Mr. Brittan, are:

Messrs. Kelly, McLemore and Powell of the Senate; and Messrs. Camp, Hill, Hall, Lawrence of Cherokee, Lindsey, Todd, Weaver and Yelverton, of the House—12.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a fifth time.

The name of Mr. Brittan was withdrawn.

Those who voted for Mr. Higgins, are:

Messrs. Bradford, Frazier, Hobdy, E. P. Jones, H. C. Jones, Kelly, Lamar and Powell, of the Senate; and Messrs. Alldredge, Bishop, Camp, Comer, Cowan, Cook, Curry, Fletcher, Foreman, Foscue, Gooden, Greene, Henry, Humphreys, Lawrence of Shelby, Meek, Murphy, Newell, Newman, Owen, Shelly, Sterritt and Vest, of the House—30.

Those who voted for Mr. Caldwell are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Searcy and Woodward, of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Brown, Burnett, Clifton, Cochran, W. P. Davis, Fox, Garth, Gilbreath, Gordy, Hall, Hays, Lindsey, Martin, McBride, McCall of Barbour, Robinson, Sanford, St. John, Talbert, Walker of Mobile, Weaver, Whitsitt, Wills and Yelverton, of the House—37.

Those who voted for Mr. Benham are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, H. C. Jones, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate; and Messrs. Abercrombie, Belser, Benners, Calhoun, Carroll, Cole, J. W. Davis, Findley, Gillam, Hanserd, Hill, R. H. J. Holly, A. Holly, Horne, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Musgrove, Nelms, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Thornton, Todd, Ward, Watkins, Webb and Yeldell, of the House—50.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a sixth time.

Those who voted for Mr. Higgins are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Searcy and Woodward, of the Senate; and Messrs. Alldredge, Bishop, Comer, Cowan, Cook, Curry, Fletcher, Foreman, Foscue, Gilbreath, Goodin, Greene, Humphreys, Lawrence of Shelby, Meek, Murphy, Newman, Scott, Shelly, Sterritt and Vest, of the House—27.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Searcy and Woodward, of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Brown, Burnett, Camp, Clifton, W. P. Davis, Fox, Garth, Gordy, Hall, Henry, Lindsey, Martin, McBryde,

McCall of Barbour, Newell, Owen, Reynolds, Robinson, Sanford, St. John, Talbert, Walker of Mobile, Weaver, Whitsitt, Wills and Yelverton, of the House—39.

Those who voted for Mr. Benham are :

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate; and Messrs. Abercrombie, Belser, Benners, Calhoun, Carroll, Cole, Creagh, J. W. Davis, Findley, Gillam, Hanserd, Hill, R. H. J. Holly, A. Holly, Horne, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Musgrove, Nelms, Odom, Phillips, Pickett, Rhodes, Rutherford, Thornton, Todd, Ward, Watkins, Webb and Yeldell, of the House—51.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a seventh time.

Those who voted for Mr. Higgins are :

Messrs. Bradford, Frazier, Hobdy and Lamar, of the Senate; and Messrs. Bishop, Comer, Cowan, Curry, Findley, Foreman, Foscue, Goodin, Greene, Humphreys, Lawrence of Shelby, Meek, Murphy, Newman, Scott, Shelly, Sterritt, Vest and Walker of Mobile, of the House—23.

Those who voted for Mr. Caldwell, are :

Messrs. Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Jemison, Kelly, Powell, Searcy and Woodward, of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Brown, Burnett, Camp, Clifton, Cochran, Cook, W. P. Davis, Fox, Garth, Gordy, Hall, Hays, Lindsey, Martin, McBryde, McCall of Barbour, Newell, Owen, Robinson, Sanford, St. John, Talbert, Weaver, Whitsitt, Wills and Yelverton, of the House of Representatives—42.

Those who voted for Mr. Benham, are :

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate; and Messrs. Abercrombie, Alldredge, Belser, Benners, Calhoun, Carroll, Cole, Creagh, Fletcher, Gillam, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Judge, Johnson, Jay, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Musgrove, Nelms, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Thornton, Todd, Ward, Watkins, Webb and Yeldell, of the House of Representatives—53.

Neither of the candidates having received a majority, the two Houses proceeded to ballot an eighth time.

Those, who voted for Mr. Higgins, are :

Messrs. Bradford, Hobdy and Lamar of the Senate; and Messrs. Bishop, Cowan, Cook, Curry, Foscue, Goodin, Humphreys, Johnson, Lawrence of Shelby, Meek, Murphy, Newman, Scott, Shelly, Sterritt, Vest, Walker of Mobile, and Weaver, of the House of Representatives—21.

Those who voted for Mr. Caldwell, are :

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Jemison, Kelly, Powell, Searcy and Woodward, of the Senate ; and Messrs. Speaker, Allen, Bell, Brown, Burnett, Camp, Clifton, Cochran, Comer, W. P. Davis, Foreman, Fox, Garth, Gordy, Hall, Hays, Lindsey, Martin, McBryde, McCall of Barbour, Newell, Owen, Robinson, Sanford, St. John, Talbert, Whittitt, Wills and Yelverton, of the House of Representatives—41.

Those who voted for Mr. Benham, are :

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, H. C. Jones, E. P. Jones, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate ; and Messrs. Abercrombie, Aldridge, Belser, Ben-ners, Calhoun, Carroll, Cole, Creagh, J. W. Davis, Fletcher, Gilbreath, Gillam, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Musgrove, Nelms, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Todd, Ward, Watkins, Webb and Yeldell, of the House of Representatives—52.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a ninth time.

Those who voted for Mr. Higgins, are :

Messrs. Bradford, Frazier and Lamar, of the Senate ; and Messrs. Bishop, Cowan, Cook, Curry, J. W. Davis, Findley, Foscue, Goodin, Greene, Humphreys, Lawrence of Shelby, Meek, Murphy, Shelly, Sterritt, Vest and Weaver, of the House of Representatives—20.

Those who voted for Mr. Caldwell, are :

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Hobdy, Jemison Kelly, Powell and Woodward, of the Senate ; and Messrs. Speaker, Allen, Bell, Brown, Burnett, Camp, Clifton, Cochran, Comer, W. P. Davis, Fox, Garth, Gordy, Hall, Hays, Inge, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Musgrove, Nelms, Newell, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Thornton, Ward, Watkins, Webb and Yeldell, of the House of Representatives—41.

Those who voted for Mr. Benham, are :

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate ; and Messrs. Abercrombie, Alldredge, Belser, Benners, Calhoun, Carroll, Cole, Creagh, Fletcher, Foreman, Gillam, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Musgrove, Nelms, Newell, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Thornton, Ward, Watkins, Webb and Yeldell, of the House of Representatives—54.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a tenth time.

The name of Mr. Higgins was withdrawn.

Those who voted for Mr. Caldwell, are :

Messrs. President, Acklen, Bethea, Blake, Bradford, Brindley, Dickinson, Frazier, Hendricks, Hobdy, Jemison, Kelly, Powell, Searcy and Woodward, of the Senate ; and Messrs. Speaker, Allen, Bell, Brown, Burnett, Camp, Clifton, Cochran, Comer, Cowan, Curry, W. P. Davis, Findley, Foreman, Foscue, Fox, Garth, Gordy, Greene, Hall, Hays, Humphreys, Lindsey, Martin, McBride, McCall of Barbour, Meek, Murphy, Newell, Newman, Owen, Robinson, Sanford, Scott, St. John, Sterritt, Talbert, Vest, Walker of Mobile, Weaver, Whitsitt, Wills and Yelverton, of the House of Representatives—58.

Those who voted for Mr. Benham, are :

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate ; and Messrs. Abercrombie, Alldredge, Belser, Beners, Bishop, Calhoun, Carroll, Cole, Creagh, J. W. Davis, Fletcher, Gilbreath, Gillam, Goodin, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Inge, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Musgrove, Nelms, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Shelly, Thornton, Ward, Watkins, Webb and Yeldell—58.

The Senate returned to its chamber,

And the Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER 10, 1853.

The Senate met pursuant to adjournment.

A message was received inviting the Senate to the Representative's Hall, and resume the ballotings for Secretary of State ; the names of Thomas Harrison, Alexander B. Clitherall and Robert W. Higgins being also in nomination,

The two Houses then proceeded to ballot an eleventh time.

Those who voted for Mr. Caldwell, are :

Messrs. President, Acklen, Blake, Brindley, Dickinson, Hendricks, Hobdy, Jemison, Kelly, Searcy and Woodward, of the Senate ; and Messrs. Speaker, Agee, Allen, Bell, Camp, Clifton, Cochran, Comer, W. P. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Gordy, Hall, Hays, Lindsey, Martin, McCall of Barbour, Newell, Robinson, Sanford, St. John, Talbert, Vest, Weaver, Whitsitt and Wills, of the House of Representatives—39.

Those who voted for Mr. Benham, are

Messrs. Ashley, Baker, Cocke Crenshaw, E. P. Jones, H. C. Jones, Kimball, Malone, McLemore, Patton and Watts of the senate; and Messrs. Abercrombie, Alldredge, Belser, Calhoun, Carroll, Cole, J. W. Davis, Fletcher, Foreman, Garth, Gibson,

Gillam, Hanserd, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irvin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Musgrove, Nelms, Odom, Owen, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Todd, Ward, Watkins, Webb and Yeldell of the house—53.

Those who voted for Mr. Higgins, are

Messrs. Bradford, Frazier and Lamar of the senate; and Messrs. Bishop, Brown, Cowan, Curry, Gilbreath, Goodin, Humphreys, Murphy, Newman, Scott, Shelly and Sterrett of the House of Representatives—15.

Those who voted for Mr. Clitherall, are

Messrs. Bethea, Hewlett, Lee and Webb of the senate; and Messrs. Benners, Burnett, Creagh, Henry, Thornton, Walker of Mobile, and Yelverton of the House of Representatives—11.

Those who voted for Mr. Harrison, are

Messrs. Powell of the senate; and Messrs. Cock McBride and Meek of the House of Representatives—4.

Neither of the candidates having received a majority, the two houses proceeded to ballot a twelfth time.

Those who voted for Mr. Caldwell, are

Messrs. President, Acklen, Blake, Brindley, Dickinson, Hendricks, Hobdy, Jemison, Kelly, Powell, Searcy and Woodward of the senate; and Messrs. Speaker, Agee, Bell, Brown, Camp, Clifton, Cochran, Comer, Ervin of Wilcox, W. P. Davis, Findley, Foscue, Fox, Gordy, Hall, Hays, Lindsay, Martin, McCall of Barbour, Newell, Newman, Owen, Robinson, Sanford, St. Johns, Talbert, Vest, Weaver, Whitsett, Wills and Yelverton of the House of Representatives—43.

Those who voted for Mr. Benham, are

Messrs. Ashley, Baker, Cock, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Malone, McLemore, Patton, Watts and Webb of the senate; and Messrs. Abercrombie, Alldredge, Allen, Belser, Benners, Calhoun, Carroll, Cole, Creagh, Fletcher, Garth, Gibson, Gillam, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irvin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Musgrove, Nelms, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Todd, Ward, Watkins, Webb and Yeldell of the House of Representatives—54.

Those who voted for Mr. Higgins, are

Messrs. Bradford, Frazier, Kimball and Lamar of the senate; and Messrs. Bishop, Cowan, Curry, J. W. Davis, Foreman, Gilbreath, Goodin, Greene, Humphreys, Murphy, Scott, Shelly and Sterrett of the House of Representatives—17.

Those who voted for Mr. Clitherall, are

Messrs. Bethea and Lee of the senate; and Messrs. Burnett, Thornton and Walker of Mobile of the House of Representatives—5.

Those who voted for Mr. Harrison, are
Messrs. McBryde and Meek of the House of Representatives—2.

Neither of the candidates having received a majority of the votes, the two houses proceeded to ballot a thirteenth time.

Those who voted for Mr. Caldwell, are

Messrs. President, Acklen, Bethea, Blake, Dickinson, Brindley, Hendricks, Hobdy, Jemison, Kelly, Powell, Searcy and Woodward of the senate; and Messrs. Speaker, Agee, Bell, Brown, Burnett, Camp, Clifton, Cochran, Comer, W. P. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Gordy, Hall, Lindsay, Martin, McCall of Barbour, Newell, Newman, Owen, Robinson, Sanford, St. John, Talbert, Vest, Weaver, Whitsett, Wills and Yelverton of the House of Representatives—44.

Those who voted for Mr. Benham, are

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Kimball, Malone, McLemore, Patton, Watts and Webb of the senate; and Messrs. Abercrombie, Alldredge, Allen, Belser, Benners, Calhoun, Carroll Cole, Creagh, J. W. Davis, Fletcher, Garth, Gibson, Gillam, Hanser, Henry, Hill, R. H. J. Holly, Horn, Hubbard, Inge, Irvin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Musgrove, Nelms, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Todd, Ward, Watkins, Webb and Yeldell of the House of Representatives—57.

Those who voted for Mr. Higgins, are:

Messrs. Bradford and Lamar, of the Senate; and Messrs. Bishop, Brown, Curry, Foreman, Gilbreath, Goodin, Greene, Hays, Humphreys, Murphy, Scott and Sterritt, of the House of Representatives—14.

Those who voted for Mr. Clitherall, are:

Messrs. Lee, of the Senate; and Messrs. Thornton and Walker of Mobile, of the House—3.

Those who voted for Mr. Harrison, are:

Messrs. Cook, McBryde and Meek, of the House—3.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a fourteenth time.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Hobdy, Jemison, Powell, Searcy and Woodward, of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Brown, Burnett, Camp, Clifton, Cochran, Comer, W. P. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Gordy, Hall, Hays, Lindsey, Martin, McCall of Barbour, Newell, Owen, Sanford, St. John, Talbert, Vest, Whitsitt, Wills and Yelverton of the House—42.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, McLemore, Patton, Watts and

Webb, of the Senate; and Messrs. Abercrombie, Alldredge, Belser, Benners, Calhoun, Carroll, Cole, J. W. Davis, Fletcher, Garth, Gibson, Gilbreath, Gillam, Hanserd, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Musgrove, Nelms, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Todd, Ward, Watkins, Webb and Yeldell, of the House—56.

Those who voted for Mr. Higgins, are:

Messrs. Bradford and Lamar, of the Senate; and Messrs. Bishop, Cowan, Creagh, Curry, Foreman, Goodin, Greene, Humphreys, Murphy, Newman, Shelly, Sterritt and Weaver, of the House of Representatives—15.

Those who voted for Mr. Clitherall, are:

Messrs. Lee, of the Senate; and Messrs. Henry, Thornton and Walker of Mobile, of the House—4.

Those who voted for Mr. Harrison, are:

Messrs. Frazier, of the Senate; and Messrs. Cook, McBryde, Meek and Scott of the House—5.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a fifteenth time.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Hobdy, Jemison, Powell, Searcy and Woodward, of the Senate; and Messrs. Speaker, Agee, Bell, Brown, Burnett, Camp, Clifton, Cochran, Comer, W. P. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Gordy, Hall, Lindsey, Martin, McCall of Barbour, Newell, Owen, Robinson, Sanford, St. John, Talbert, Vest, Weaver, Whitsitt, Wills and Yelverton, of the House—42.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Malone, McLemore, Patton, Watts and Webb, of the Senate; and Messrs. Abercrombie, Alldredge, Belser, Benners, Calhoun, Carroll, Cole, Fletcher, Foreman, Garth, Gibson, Gilbreath, Gillam, Hanserd, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Musgrove, Nelms, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Todd, Ward, Watkins, Webb and Yeldell, of the House—57.

Those who voted for Mr. Higgins, are:

Messrs. Bradford, Frazier and Lamar, of the Senate; and Messrs. Bishop, Cowan, Curry, Goodin, Greene, Humphreys, Murphy, Newman, Scott, Shelly and Sterritt, of the House—14.

Those who voted for Mr. Clitherall, are:

Messrs. Lee, of the Senate; and Messrs. Creagh, Henry, Thornton, Walker of Mobile, of the House—5.

Those who voted for Mr. Harrison, are:

Messrs. Cook, McBryde and Meek, of the House—3.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a sixteenth time,

Mr. Harrison's name being withdrawn.

Those who voted for Mr. Caldwell, are :

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Hobdy, Jemison, Powell, Searcy and Woodward, of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Brown, Burnett, Camp, Clifton, Cochran, Comer, W. P. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Gordy, Hall, Hays, Lindsey, Martin McBryde, McCall of Barbour, Newell, Newman, Owen, Robinson, Sandford, St. John, Talbert, Vest, Walker of Mobile, Weaver, Whitsitt, Wills and Yelverton, of the House—47.

Those who voted for Mr. Benham, are :

Messrs. Ashley, Baker, Cocke, Crenshaw, E. P. Jones, H. C. Jones, Kelly, Kimball, Malone, McLemore, Patton, Watts and Webb, of the Senate; and Messrs. Abercrombie, Alldredge, Belser, Benners, Calhoun, Carroll, Cole, Creagh, J. W. Davis, Fletcher, Foreman, Garth, Gibson, Gilbreath, Gillam, Goodin, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horne, Hubbard, Inge, Irvin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Musgrove, Nelms, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Shelly, Todd, Ward, Watkins, Webb and Yeldell, of the House—60.

Those who voted for Mr. Higgins, are :

Messrs. Bradford, Frazier and Lamar, of the Senate; and Messrs. Bishop, Cowan, Cook, Curry, Greene, Humphreys, Murphy, Scott and Sterritt, of the House—12.

Those who voted for Mr. Clitherall, are :

Messrs. Hewlett and Lee, of the Senate; and Messrs. Meek and Thornton, of the House—4.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a seventeenth time.

The names of Mr. Clitherall and Mr. Higgins being withdrawn.

Those who voted for Mr. Caldwell, are :

Messrs. President, Acklen, Bethea, Blake, Brindley, Bradford, Dickinson, Hendricks, Hobdy, Powell, Searcy and Woodward, of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Brown, Burnett, Camp, Clifton, Cochran, Comer, Cowan, Curry, W. P. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Gordy, Greene, Hall, Hays, Humphreys, Lindsey, Martin, McBryde, McCall of Barbour, Meek, Murphy, Newell, Newman, Owen, Robinson, Sanford, St. John, Sterritt, Talbert, Walker of Mobile, Weaver, Whitsitt and Wills, of the House—52.

Those who voted for Mr. Benham, are :

Messrs. Ashley, Baker, Cocke, Crenshaw, E. P. Jones H. C. Jones, Kelly, Kimball, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate; and Messrs. Abercrombie, Alldredge,

Belser, Benners, Bishop, Calhoun, Carroll, Cole, Creagh, Fletcher, Garth, Gibson, Gilbreath, Gillam, Goodin, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horne, Hubbard, Inge, Irvin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Musgrove, Nelms, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Shelly, Thornton, Todd, Vest, Ward, Watkins, Webb and Yeldell, of the House—62.

Messrs. Frazier, of the Senate; and Cook and Scott, of the House, voted for Mr. Higgins—3.

Mr. Benham having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Secretary of State for the term prescribed by the constitution.

The Senate returned to its chamber.

Mr. McLemore moved to adjourn until Tuesday, 10 o'clock; which was lost. Yeas 1, nays 28.

Mr. Baker voted in the affirmative.

Those who voted in the negative, are:

Messrs. President, Acklen, Ashley, Bethea, Blake, Bradford, Brindley, Cocke, Crenshaw, Dickinson, Frazier, Hendricks, Hobdy, Hewlett, Jemison, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, McLemore, Patton, Powell, Searcy, Watts, Webb and Woodward.

The Senate proceeded to the consideration of the special order, it being the bill to divide the State into seven Congressional Districts.

Mr. E. P. Jones moved to postpone the further consideration of the bill until Wednesday next at 12 o'clock, and make it the special order for that day; which was carried.

The next special order, being the bill to continue a commissioner and trustee to close the affairs of the State Bank, &c., was taken up, and on motion of Mr Bradford, postponed until Monday next, and made the special order for 11 o'clock of that day.

Mr. Bethea presented the petition of sundry citizens of Mobile, in regard to lives upon steamboats, &c.; which was referred to the Committee on the Judiciary.

The vote refusing to order the bill for the relief of Charles Gookin was reconsidered.

Mr. Dickinson moved to refer the bill to the Committee on the Judiciary; which was lost.

Ordered, that it be made the special order for Wednesday next.

Mr. Jemison presented the petition of sundry citizens of Tuscaloosa, on the subject of temperance; which was referred to the select committee on the subject.

The bill to repeal a certain act therein named, and for other purposes, was taken from the table.

Mr. Jemison moved to amend by substitute; which was adopted.

Mr. Malone moved to refer the bill to the Judiciary Committee; which was carried.

Mr. Bethea introduced a bill to authorize a loan to the Mobile and Ohio Rail Road Company; which was read the first time and ordered to a second reading.

Mr. Baker introduced a bill to settle definitely the boundary line between the States of Alabama and Georgia; which was read the first time and ordered to a second reading.

Mr. Cocke, from the Committee on Enrolled bills, reported as correctly enrolled:

REPORT OF COMMITTEE ON ENROLLED BILLS.

The Committee on Enrolled Bills have examined and found correctly enrolled, bills of the following titles, viz:

A bill to be entitled an act to amend the road law so far as it relates to Choctaw county;

A bill to be entitled an act to change the time of holding the circuit court of Barbour county;

A bill to be entitled an act making copies of deeds evidence in certain cases;

A bill to be entitled an act to regulate sheriff's sales in the county of Franklin;

A bill to be entitled an act providing for the appointment of a general guardian for the county of Sumter;

A bill to be entitled an act to amend the patrol law in Pickens county;

A bill to be entitled an act to authorise the Governor to issue a patent to a certain person therein named;

A bill to be entitled an act to provide for the extension of time for the assessment of the taxes in the counties of Greene and Perry, and for other purposes;

A bill to be entitled an act to alter and amend an act to incorporate the Mobile Live-Stock and General Insurance Company, approved 20th December, 1851;

A bill to be entitled an act to authorise the removal of the administration on the estate of Robert J. Coles, deceased, late of the county of Jackson, from the court of probate of said county of Jackson to the court of probate of the county of Madison;

A bill to repeal an act exempting certain persons from working on the public roads in the county of Choctaw;

A bill providing for the compensation of jurors in justices courts in the county of Pike in certain cases therein mentioned;

A bill to regulate the pay of grand and petit jurors of Covington county, and for other purposes;

A bill to increase the pay of jurors and witnesses in Lowndes county;

A bill for the relief of Lorenzo Dow Dean, of Butler county, Alabama;

A bill to repeal an act, approved 2d February, 1850, in relation to Washington county;

H. C. JONES, Chairman.

Ordered, that leave of absence be granted to Mr. Baker.

The Senate then adjourned until Monday morning, 10 o'clock.

DECEMBER 12, 1853.

The Senate met pursuant to adjournment.

Mr. Blake presented the petition of Perry and Dallas, which was referred to the Committee on Finance.

The bill to amend the charter of the Alabama and Tennessee Rail Road Company, was taken from the table and ordered to be engrossed.

Mr. Webb made the following report:

The committee on the sixteenth section fund, to whom was referred the report of the Comptroller of Public Accounts, showing the sixteenth sections sold in the several counties in this State, and the amount for which each sold, have examined the same, and direct me to report that they find that there are one thousand five hundred and seventy-two townships, (supposing each sixteenth section in every township to contain six hundred and forty acres,) there have been one million six thousand and eighty acres of land, granted by the general government to the inhabitants of these townships for the use of schools.

Eight hundred and seventy-three of these townships have sold their lands for more than three dollars per acre. Five hundred and fifty-eight thousand, seven hundred and twenty acres sold for \$1,575,598, of which sum \$188,300 has been paid to the State Bank and Branches and to the treasurer of the State, at different times, and the larger portion thereof has been funded, and certificates of stock have been delivered to the respective townships, for their quota of the cash so paid in as is now provided by law. It will be seen by reference to the report, that there are now on deposit and unpaid notes, to the amount of \$392,296, belonging to said townships.

From the report of the comptroller, it will be ascertained that 692 townships have not reported a sale of their lands, and have neither a cash capital nor notes on hand, leaving four hundred and forty-seven thousand, four hundred and forty acres of land belong to their townships yet unsold. Your committee have no specific data by which they can arrive at the exact value of these lands yet unsold; but in their best judgment, they believe it would be approximating a correct estimate that they would be worth at least one third as much as those lands were worth which have been sold. Your committee feel assured that some of these last townships mentioned have sold their lands and have neglected to make a return of the notes or the money for which they were sold. From this estimate, it will be seen that the lands thus devoted in this state, are worth about two million of dollars.

Your committee have been thus particular in making their report on the facts as shown by the comptroller's report, because they regard it a sacred trust confided to the State of Alabama by the general government, for a wise and most beneficent purpose and one in which the people of the state feel a decided and growing interest, and which, they doubt not, will claim such notice by the general assembly as the vast importance of the subject merits.

The committee have directed me to report the following resolutions and accompanying bill, and to recommend their passage.

(Signed,)

JOSEPH P. FRAZIER, Chairman,
J. M. HENDRICKS,
MAC. T. P. BRINDLEY,
R. M. PATTON,
JACK A. COCKE,
H. C. JONES,
J. D. WEBB.

The resolutions reported by the Mr. Webb, are as follows:

Resolved, That one thousand copies of the report of comptroller of public accounts, in answer to a resolution of the Senate of 17th November, 1853, showing the sixteenth sections sold in the several counties in this state, and the amount for which each sold, be printed for the use of the Senate, and that seventy-five additional copies be printed and delivered to the secretary of state.

Resolved, That the secretary of state be and he is hereby required to forward one copy of said report so printed to the judges of probate in each county in this State, when the laws and journals of the present session of the general assembly of this state are distributed by the person employed for that purpose.

The resolutions were adopted and one thousand copies of Mr. Webb's report also ordered to be printed.

Mr. Webb reported a bill to require certain duties therein specified of the judges of probate in the several counties in this state, which was read the first time ordered to a second reading.

Mr. Frazier made the following report, viz:

REPORT:

The committee on 16th sections, to which was referred the official statement of the vote taken on the 3rd Monday in August, 1853, on the question of consolidating the 16th Section Funds,

Ask leave to report that the statement shows eight hundred and fifty-two townships voting for consolidation, and two hundred and sixty-four against it, making a total of eleven hundred and sixteen townships voting on the question. There are fifteen hundred and seventy-two townships in the State, as reported by the comptroller of public accounts; consequently four hundred and fifty-six townships failed to vote. The committee have en-

deavored to ascertain, as nearly as practicable, the aggregate amount of funds of the eight hundred and fifty-two townships that voted for consolidation. Time did not permit a comparison of the whole, but an examination of ten counties, in different parts of the State, embracing one hundred and ninety-nine townships, we find an aggregate of one hundred and twenty-three thousand five hundred and forty-one dollars, being an average of six hundred and seventeen dollars and ninety cents to the township. Applying, then, this average to those eight hundred and fifty-two townships, it gives a total of five hundred and twenty-six thousand two hundred and eighty dollars.

The act, under the provisions of which these elections were held, provides that nothing therein contained shall authorize a consolidation of the funds of any township voting against it. It seems to the committee that a consolidation of the funds of the eight hundred and fifty-two townships voting for consolidation could effect but little good, even if such a measure was in itself right and proper. A fund of six hundred and seventeen dollars, the annual interest of which would only be about forty-nine dollars, would do very little in the establishment of township schools.

As no instructions accompanied the papers referred, the committee may not be called upon for an opinion on the question whether or not the State has the right to consolidate the 16th section funds. But as there is a very respectable portion of the citizens of this State who entertain the opinion that the State has that right; and considering the importance of this question, and the deep interest it excites throughout the State, your committee have deemed it proper to state frankly their opinions on this interesting subject. We do so with less reluctance, because it is expedient that some action should be had thereon, and it must necessarily come before the Legislature in some form or other.

The 6th section of the act of Congress to enable the people of Alabama Territory to form a Constitution and State Government, enacts that the following propositions be and the same are hereby offered to the Convention of said Territory of Alabama, when formed, for their free acceptance or rejection, which, if accepted by the said Convention, shall be obligatory on the United States:

“First, that the section numbered sixteen, in every township, and when such section has been sold, granted, or disposed of, other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such township, for the use of schools.”

The convention which formed the constitution of this State did, by its ordinance, accept all the propositions of the said act of Congress, of which the one above recited was the first. The committee believe that the grant of section 16, in every town-

ship, is to the inhabitants of the township alone in which it is situated, and that the State has no authority to consolidate the 16th section fund.

Respectfully submitted,

J. P. FRAZIER, Chairman.

The consideration of the report was postponed until the 1st Monday in January, and made the special order for that day, and 500 copies ordered to be printed.

Mr. President (Mr. Bethea in the chair) introduced a bill to establish a system of common schools, and to provide a fund for the support of the same, which was read the first and second times forthwith, and referred to the Committee on Education.

Mr. Malone introduced a bill to divide the State into seven congressional districts, which was read the first time and ordered to a second reading.

Mr. Jemison introduced a bill to authorize the transfer of a certain case now pending in the city court of Mobile to the circuit court of said county, which was read the first and second times forthwith, and referred to the Committee on the Judiciary.

Mr. Watts introduced a bill to define the duties of executors and administrators, in certain cases, which was read the first time and ordered to a second reading.

The bill to aid in establishing a system of Internal Improvements in this State was taken from the table, read the second time, and referred to the Committee on Internal Improvement.

The bill to alter and amend the law in relation to the taxation of costs in the supreme court was taken from the table.

Mr. Frazier moved to strike out the second section of the bill, which was lost.

Mr. Cocke moved to strike out the first section, which was lost.
Yeas 8, Nays 19

Those who voted in the affirmative, are:

Messrs. Bradford, Brindley, Crenshaw, Frazier, Hendricks, Kelly, Lee and Searcy.

Those who voted in the negative, are:

Messrs. President, Acklen, Ashley, Bethea, Blake, Clanton, Dickinson, Hobdy, Jemison, E. P. Jones, H. C. Jones, Lamar, Malone, McLemore, Patton, Powell, Watts, Webb and Woodward.

Mr. Frazier moved to re-commit the bill, with instructions to provide by law, for furnishing the supreme court with stationary, which was lost.

The bill was ordered to be engrossed. Yeas 19, Nays 8.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Bethea, Blake, Clanton, Dickinson, Hobdy, Jemison, E. P. Jones, H. C. Jones, Lamar, Malone, McLemore, Patton, Powell, Watts, Webb and Woodward.

Mr. Cocke reported, as correctly enrolled, "an act to incorporate the North-east and South-west Rail Road Company."

The Senate proceeded to the consideration of the special order, it being the bill to continue a commissioner and trustee, to close the affairs of the State Banks, and for other purposes.

The bill was read the third time and passed. Yeas 21, Nays 7.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Bethea, Brindley, Clanton, Cocke, Crenshaw, Dickinson, Jemison, H. C. Jones, Kelly, Kimball, Lee, Malone, McLemore, Patton, Searcy, Watts, Webb and Woodward.

Those who voted in the negative, are:

Messrs. Blake, Bradford, Hendricks, Hobdy, Hewlett, E. P. Jones and Powell.

The engrossed bill to repeal sections 3270-71 and 72 in the code, was made the special order for Thursday next, at 11 o'clock.

The bill to authorize George Hill to sell and convey certain real estate was taken from the table, and the report of the Judiciary unfavorable to said bill.

Concurred in.

The bill from the House to authorize the administrators of Thomas Williams, deceased, of Pickens county, to sell the real estate on a credit of two years, was read the first time and ordered to a second reading.

The engrossed bills:

To reduce the number of judges on the supreme court bench;

For the relief of John A. L. DeBerrie, of Walker county;

To provide for the registration of the names of steam boat owners;

To subscribe to stock in the Mobile and Girard Rail Road, by the city of Mobile; and

The bill to exempt certain property from sale by executors or administrators, were severally read the third time and passed.

The bill to repeal a certain portion of an act approved 9th February, 1850, incorporating the Pickens guards, was read the second time and ordered to a third reading;

The bill for the better government of slaves on farms and plantations; and

The bill to prescribe the time at which laws, hereafter executed shall take effect, were severally read the second time and referred to the Committee on the Judiciary.

The bill to authorize the Bank of Mobile, the Southern and Northern Banks of Alabama, to issue bills of a less denomination than five dollars, was read the second time and referred to the Committee on Banks and Banking.

The bill to allow the commissioners of section 16, township 4, and range 15, in Covington county, certain compensation therein named, was read the second time and referred to the Committee on 16th Sections.

The bill for the relief of certain persons, therein named, was read the second time and referred to the Committee on Finance.

The bill to allow pay to jurors, in certain cases; and

The bill giving the probate courts jurisdiction, to compel the executor or administrator of a deceased executor or administrator, to settle the account of his testator or intestate, were severally read the second time and referred to the Committee on the Judiciary.

The bill fixing the time for the election of county commissioners of each county in this State, was read the second time;

Mr. Webb moved to amend, and the bill and amendment was referred to the Committee on the Judiciary.

The bill to provide for the payment of jurors and witnesses before coroner's inquests;

The bill to repeal the patrol law in Baldwin county;

The bill to alter section 3482 of the code;

The bill to repeal in part section 2056 of the code;

The bill to authorize sheriffs to qualify claimants;

The bill defining the duties of the tax collector in Lowndes county; and

The bill to authorize the probate judge to direct the sale of slaves by guardians in certain cases, were read the second time and referred to the Committee on the Judiciary.

The bill authorizing the probate court of Montgomery county to grant letters of administration on the estate of Wesley D. Hall, late of Coosa, was read the second and third times and passed.

The bill to authorize the county treasurer of Jefferson county to pay over certain funds, &c.; and

The bill for the relief of Wm. B. Ray, tax collector of Montgomery county, were severally read the second time and referred to the Committee on the Judiciary.

The bill to cause the county treasurer and surveyor of Cherokee to be elected by the people, was read the second time and ordered to a third reading.

And the Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER 13th, 1853.

The Senate met pursuant to adjournment.

Mr. Blake, from the Committee on the Judiciary, reported favorably on the bill for the relief of the administrators of the estate of Wm. M. Gilkey, deceased.

The bill was ordered to a third reading.

Mr. Blake reported unfavorably on the bill to authorize the administrator of James W. C. Askew, to sell the property of said decedent.

The report was laid on the table and the bill ordered to a third reading.

Mr. Blake reported unfavorably on the petition of James Read of Perry county.

The report was laid on the table.

Mr. Blake reported unfavorably on the petition of David Lee, and others of Perry county.

The report was laid on the table.

Mr. Blake reported favorably on the bill for the benefit of the heirs of John E. Lipscomb, and the bill was ordered to be engrossed.

Mr. Blake reported unfavorably on the bill to regulate the taking of testimony in cases of chancery.

The report was laid on the table and the bill ordered to be engrossed.

Mr. Blake reported unfavorably on the bill to repeal certain sections of the code in relation to election precincts.

The report was concurred in. Yeas 22, Nays 3.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Bethea, Blake, Brindley, Clanton, Dickinson, Hendricks, Hobdy, Jemison, E. P. Jones, H. C. Jones, Kimball, Lamar, Lee, Malone, Patton, Peterson, Powell, Webb and Woodward.

Those who voted in the negative, are:

Messrs. Crenshaw, Kelly and Searcy.

Mr. Acklen, from the Committee on the Judiciary, to whom was referred a bill to modify and amend section 3095 of the code, reported a substitute, which was adopted and ordered to be engrossed.

Mr. Ashley reported favorably on the bill to authorize the comptroller of public accounts to settle with the sureties of Wm. B. Campbell. The bill was ordered to be engrossed.

Mr. Ashley reported favorably on the bill to authorize Obediah Eason and Susan Eason to sell cakes, beer, &c.

The Senate refused to order the bill to a second reading.

This vote was reconsidered, and the bill read the second and third times forthwith, and passed.

Mr. Malone, from the joint committee appointed to make preparations for the inauguration of the Governor elect, reported a programme, together with a joint resolution appropriating two hundred and fifty dollars, to be used if necessary.

The resolution was read the first, second and third times, and passed.

Mr. Bethea introduced a bill to authorize the Savannah and Albany Rail Road Company to extend their rail road from the line of Georgia, on the Chattahoochee river, to the city of Mobile, &c.; which was read the first and second times forthwith, and referred to the Committee on Internal Improvement.

Mr. President (Mr. Patton in the chair) introduced a bill to incorporate the Alabama and East Tennessee Rail Road Company;

which was read the first and second times and referred to the Committee on Internal Improvement.

On motion of Mr. Kimball:

Resolved, That a select committee, composed of one from each judicial circuit, be appointed, with instructions to report a bill equalizing the labor of the circuit judges of this State, and that they be further instructed in said arrangement, to give to the counties of Randolph and Tallapoosa two weeks each.

Mr. Powell introduced a bill to define the duties and regulate the compensation of the marshal of the supreme court; which was read the first time and ordered to a second reading.

The bill to cause the county treasurer and county surveyor of Cherokee county to be elected by the people; and

The bill to repeal a certain portion of an act incorporating the Pickens Guards, were severally read the third time and passed.

The bill to alter and amend the law in relation to the taxation of costs in the supreme court, was read the third time and passed; the caption was amended.

The bill to amend the charter of the Alabama and Florida Rail Road; and

The bill to authorize the administrators of Thomas Williams, deceased, to sell the real estate of said intestate, were severally read the third time and passed.

The bill to incorporate the Mobile and Dog River Manufacturing Company, was taken from the table and recommitted to the Committee on the Judiciary.

The bill to regulate the sale of real and personal property by executors and administrators; and

The bill amendatory of the laws on the subject of lives on steam boats and other water craft, were severally read the second time and referred to the Committee on the Judiciary.

The bill to regulate the pay of jurors in the county of Coffee, was read the second time and ordered to a third reading.

The bill to incorporate the Bank of Selma, was read the second time and referred to the Committee on Banks and Banking.

The bill to take the census of the State of Alabama for the year 1855;

The bill to provide for the taking the depositions of witnesses who reside out of the county where the trial is to be had; and

The bill to amend section 1281 of the Code of Alabama, were severally read the second time and referred to the Committee on the Judiciary.

The bill to restrict the county commissioners of Cherokee county in levying county taxes; and

The bill to amend the road law in Henry county, were severally read the second time and ordered to be engrossed.

The bill authorizing a loan to the Mobile and Ohio Rail Road Company, was read the second time and referred to the Committee on Finance.

The bill to settle definitely the boundary line between the States of Alabama and Georgia;

The bill to amend section 2137 of the code; and

The bill to amend section 2447 of the code, were severally read the second time and referred to the Committee on the Judiciary.

The bill to authorize the banks of this State to issue bills of a less denomination than five dollars, was read the second time and referred to the Committee on Banks and Banking.

The bill to incorporate the Wetumpka Insurance and Trust Company, was read the second time and referred to the Committee on the Judiciary.

The bill to repeal all laws authorizing the sale of school lands;

The bill to exempt the county of Russell from the operation of section 3271 of the code; and

The bill to divide the State into seven Congressional Districts, were severally read the second time and laid on the table.

The bill for the relief of John A. Stowe and Isaac H. Stowe, was read the second time and referred to the Committee on Propositions and Grievances.

The bill to define the duties of executors and administrators in certain cases; and

The bill to authorize Reese D. Gayle, administrator of Billups Gayle, deceased, to remove the administration from Clarke county to Dallas county, were severally read the second time and referred to the Committee on the Judiciary.

The bill to require the performance of certain duties therein specified, of the judge of probate in the several counties of this State, was read the second time and ordered to be engrossed.

A message was received from the Governor, informing the Senate that he had approved an act to incorporate the North East and South West Alabama Rail Road.

And the Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER 14, 1853.

The Senate met pursuant to adjournment.

Mr. Blake, from the Committee on the Judiciary, reported favorably on the bill to repeal in part the patrol law, in the counties of Marshall, Cherokee, DeKalb and others.

Mr. Webb moved to amend as follows:

Strike out "Bibb," and insert "so much of the county of Perry as lies on the east side of Cahaba river;" which was adopted.

Mr. Searcy moved to amend as follows:

That no person shall be required to perform patrol duty who has no horse or mule in his possession, who does not reside in any town or city; the amendment was adopted.

The bill was also amended by adding the counties of Henry, Barbour, Butler, Lawrence, Jackson and Tallapoosa, and then ordered to a third reading.

Mr. Blake reported favorably on the bill to provide for the payment of special and tales jurors.

The Senate refused to order the bill to a third reading.

Mr. Blake reported favorably on the bill to repeal the patrol laws in Baldwin county; it was ordered to a third reading.

Mr. Blake reported favorably on the bill to authorize sheriffs to qualify claimants, with an amendment to the caption; which was adopted, and the bill ordered to a third reading.

Mr. Blake reported unfavorably on the bill to provide for the payment of jurors and witnesses before coronors' inquests.

Mr. Webb moved to lay the report on the table; which was lost.

The report was concurred in.

Mr. Blake reported favorably on the bill to compel the administrator of a deceased administrator to settle the accounts of his intestate.

The bill was ordered to a third reading.

Mr. Blake reported unfavorably on the bill to allow pay to jurors in certain cases.

The bill was ordered to a third reading.

Mr. Blake reported unfavorably on the bill to prescribe the time at which laws hereafter enacted shall take effect.

The report was concurred in.

Mr. Crenshaw, from the Judiciary Committee, reported the bill defining the duties of tax collector in Lowndes county with an amendment, which was adopted, and the bill ordered to a third reading.

Mr. Dickinson, from the Committee on Finance, reported a substitute for the bill for the relief of certain persons therein named, which was adopted and the bill ordered to a third reading.

Mr. Dickinson, from the Committee on Finance, to whom was referred so much of the governor's message as relates to a state seal, reported a joint resolution providing a seal for the state, which was read the first time and ordered to a second reading.

Mr. Woodward reported a bill to establish an election precinct therein named, which was read the first time and ordered to a second reading.

Mr. Bradford, from the Committee on Propositions and Grievances, reported the bill for the relief John A. Stowe and Isaac H. Stowe, and recommended its passage.

The bill was ordered to be engrossed.

Mr. Ashley reported a bill to authorize James Critcher, of Marshall county, to erect a dam near Gunter's Landing, which was read the first time and ordered to a second reading.

Mr. Ashley reported unfavorably on the bill for the relief of Wm. A. Rogers.

Mr. Malone moved to lay the report on the table, which was lost. Yeas 12, Nays 17.

Those who voted in the affirmative are:

Messrs. Bethea, Frazier, Hewlett, Jemison, E. P. Jones, H. C. Jones, Kelly, Kimball, Malone, Patton, Powell and Searcy.

Those who voted in the negative are:

Messrs. President, Acklen, Ashley, Blake, Bradford, Brindley, Clanton, Crenshaw, Dickinson, Gay, Hendricks, Hobdy, Lamar, Lee, Peterson, Webb and Woodward.

The reported was concurred in. Yeas 21, Nays 5.

Those who voted in the affirmative are:

Messrs. President, Acklen, Ashley, Blake, Bradford, Brindley, Clanton, Crenshaw, Dickinson, Frazier, Gay, Hendricks, Hobdy, Hewlett, Jemison, H. C. Jones, Kimball, Lamar, Lee, Peterson, Searcy, Webb and Woodward.

Those who voted in the negative are:

Messrs. E. P. Jones, Kelly, Malone, Patton and Powell.

Reconsidered and the bill referred to a select committee.

The hour of 11 having arrived, the Senate proceeded to the consideration of the special order, it being the bill to divide the state into seven congressional districts.

The bill was read the second time.

Mr. Blake moved to amend by way of substitute.

Mr. Blake then moved that the bill be postponed until Friday, and be made the special order for 11 o'clock of that day, which was carried.

A message was received from the governor recommending to the general assembly, to grant the right of way to the Albany and Savannah Rail Road, from the Georgia line to Mobile, which was referred to the Committee on Internal Improvement.

The Senate proceeded to consider, it being the bill for the relief of Charles Gookin.

The bill was ordered to be engrossed. Yeas, 17, Nays 10.

Those who voted in the affirmative are:

Messrs. Ashley, Baker, Bethea, Blake, Brindley, Clanton, Gay, Hobdy, Jemison, H. C. Jones, Kimball, Lamar, Lee, Patton, Peterson, Powell, Webb and Woodward.

Those who voted in the negative are:

Messrs. President, Acklen, Bradford, Crenshaw, Dickinson, Frazier, Hendricks, Hewlett, E. P. Jones and Kelly.

The Senate disagreed to the amendment made by the House to the preamble and joint resolution of the general assembly of Alabama to the general assembly of the State of Georgia.

The bill to amend an act incorporating the town of Moulton, in Lawrence county, was read first, second and third times forthwith and passed.

Joint resolutions from the House in relation to the inauguration of the governor elect, was read the first time and ordered to a second reading.

The joint resolution of the Senate on the same subject was read the third time and passed.

The bills to authorise and empower the administrator of James W. C. Askew to sell the property of said decedent;

For the relief of the administrator of the estate of Wm. M. Gilkey;

To regulate the pay of jurors in the county of Coffee;

To authorize Obediah Eason to sell cakes, beer, &c.;

To regulate the taking of testimony in cases of chancery;

To require the performance of a certain duty, therein specified, of the judges of probate;

To restrict the county commissioners of Cherokee in levying taxes;

To amend the road law in Henry county;

To authorise the comptroller of public accounts to settle with the sureties of Wm. B. Campbell; and

For the relief of Caswell C. Capshaw and William H. Cobb, of St. Clair county; were severally third time and passed.

The bill to define the duties and regulate the compensation of the marshal of the supreme court, was read the second time and referred to the Committee on the Judiciary.

Mr. H. C. Jones introduced a bill to incorporate the Montgomery Rifles.

Mr. Dickinson introduced a bill to regulate the fees of probate judges.

Mr. H. C. Jones reported as correctly enrolled, an act to authorise the administrator of Thomas Williams, deceased, of Pickens county, to sell the real estate on a credit of two years.

The Senate adjourned until to-morrow morning 10 o'clock.

DECEMBER, 15, 1853.

Senate met pursuant to adjournment.

Mr. Blake, from the Committee on the Judiciary, reported favorably on the bill to authorize Reese D. Gayle, administrator of Billups Gayle, to remove the administration from Clarke to Dallas county.

Mr. Blake reported favorably on the bill to amend section 2137 of the code, and the bills were severally ordered to be engrossed.

Mr. Blake reported unfavorably on the bill to provide for the taking of depositions of witnesses who reside out of the county where the trial is to be had, and the bill to define the duties of executors and administrators in certain cases.

The reports were concurred in.

Mr. Blake reported favorably on the bill to amend section 1281 of the code.

The bill was ordered to be engrossed.

Mr. Blake reported unfavorably on the bill fixing the time for election of county commissioners of each county in this state.

The report was concurred in.

Mr. Blake reported favorably on the bill for the relief of Wm. B. Ray, tax collector of Montgomery county.

The bill was ordered to a third reading.

Mr. Blake reported unfavorably on the bill to authorize probate judges to direct the sale of slaves by guardians in certain cases, and the bill to repeal, in part, section 2056 of the code.

The reports were concurred in.

Mr. Blake reported favorably on the bill to authorize Zachariah Isbell to sell and convey his undivided estate in certain lands.

The bill was ordered to be engrossed.

Mr. Crenshaw, from the Committee on the Judiciary, reported the bill to amend section 2447 of the code, with an amendment, which was concurred in and the bill ordered to be engrossed.

Mr. Crenshaw also reported the bill to take the census of 1855, which was concurred in and the bill ordered to be engrossed.

Mr. H. C. Joes, from the Judiciary Committee, to whom was referred the resolution directing said committee to enquire into the constitutionality of legislating on the evils growing out of the retail of spirituous or intoxicating drinks in this State, reported that there is nothing in the constitution prohibiting the legislature from regulating or prohibiting the sale of ardent spirits in this state.

The report was concurred in.

Mr. Bethea, from the Committee on Internal Improvement, reported the bill to aid in establishing a system of internal improvements within this state, with sundry amendments.

On motion of Mr. Crenshaw,

The bill was postponed until Saturday, and made the special order for 11 o'clock of that day.

Mr. Crenshaw introduced a bill to amend section 3992 of the code.

Mr. Webb introduced a bill to regulate the compensation of administrators and guardians; which were severally read the first time and ordered to a second reading.

Mr. Watts introduced a bill to assist in building rail roads in the State of Alabama, which was read the first and second times forthwith and referred to the Committee on Internal Improvement.

Mr. Watts introduced a bill to authorize the probate court of Macon county to grant letters of administration on the estate of James L. Birch, deceased, which was read the first time and ordered to a second reading.

Mr. Searcy offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the constitution as to give the citizens of the same the right to vote, in all cases of election, after a *bona fide* residence of six months, instead of twelve, in said state; which was lost.

The Senate receded from its amendment to the bill from the House to exempt certain property from sale by executors or administrators.

On motion of Mr. H. C. Jones,

This vote was reconsidered, and on a motion that the Senate insist upon its amendment, the vote stood, Yeas 21, Nays 8.

Those who voted in the affirmative, are:

Messrs. Acklen, Ashley, Bethea, Blake, Clanton, Crenshaw, Dickinson, Frazier, Hendricks, Jemison, H. C. Jones, Kimball, Lamar, Malone, Patton, Peterson, Powell, Searcy, Watts, Webb and Woodward.

Those who voted in the negative are:

Messrs. President, Bradford, Brindley, Gay, Hewlett, E. P. Jones, Kelly and Lee.

The bill for the relief of L. V. Underwood, guardian of the minor heirs of Wm. T. Harwell, deceased, was read the first time and ordered to a second reading.

A message from the House by Mr. Elmore:

Mr. President: The House has originated and passed the following bills:

An act to divorce certain persons therein named;

To amend an act incorporating the town of Tuskegee, in Macon county;

To divorce certain persons therein named;

To divorce certain persons therein named;

To divorce certain persons therein named;

To divorce Mary C. Waters from Jonathan P. Waters;

To authorize Richard Sanders to remove certain property therein named to the State of Mississippi; also,

To authorize Richard Sanders to remove certain property to Mississippi, and to sell a certain slave therein named;

To authorize the administrator of Albert Russell, deceased, late of the county of Madison, to keep said estate together; also,

A memorial to Congress in relation to the price of pine land, in this State; and

A bill supplemental to an act for the permanent location of the county site of Washington county;

In which the concurrence of the Senate is requested.

The bills mentioned in the message from the House were severally read the first time and ordered to a second reading, except the bill in relation to the county site of Washington county, which was read the first, second and third times forthwith, and passed.

The bill to repeal section 3270, 3271 and 3272 of the code, was postponed to Monday next, at 12 o'clock, and made the special order for that hour.

The engrossed bills to repeal in part the patrol law in certain counties;

To give the courts of probate jurisdiction to compel the administrator of a deceased administrator to settle the accounts of his intestate;

To repeal the patrol law in Baldwin county; and

To authorize sheriffs to qualify officers, were severally read the third time and passed.

The engrossed bill to allow pay to jurors in certain cases, was read the third time and passed. Yeas 24, nays 2.

Those who voted in the affirmative are:

Messrs. President, Ashley, Bethea, Brindley, Clanton, Crenshaw, Dickinson, Frazier, Hendricks, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Lee, Malone, Patton, Peterson, Powell, Searcy, Watts, Webb and Woodward.

Those who voted in the negative are:

Messrs. Bradford and Gay.

The bill for the relief of John A. Stowe and Isaac H. Stowe, was read the third time and passed.

The bill for the relief of Charles Gookin, was read the third time and passed. Yeas 17, nays 8.

Those who voted in the affirmative are:

Messrs. Ashley, Bethea, Brindley, Clanton, Gay, H. C. Jones, Kimball, Lamar, Lee, Malone, Patton, Peterson, Powell, Searcy, Watts, Webb and Woodward.

Those who voted in the negative are:

Messrs. President, Bradford, Crenshaw, Dickinson, Frazier, Hewlett, E. P. Jones and Kelly.

The bill defining the duties of tax collectors in certain cases; and

The bill for the relief of certain persons therein named, were severally read the third time and passed.

The joint resolution in relation to the inauguration of the Governor elect, was read the second time and ordered to a third reading. Yeas 15, nays 10.

Those who voted in the affirmative are:

Messrs. President, Acklen, Bethea, Blake, Clanton, Dickinson, H. C. Jones, Lamar, Malone, Patton, Peterson, Powell, Watts, Webb and Woodward.

Those who voted in the negative are:

Messrs. Ashley, Bradford Crenshaw, Frazier, Gay, Hendricks, E. P. Jones, Kimball, Lee and Searcy.

The bill to incorporate the Montgomery Rifles, was read the second time and referred to the Committee on the Military.

The bill to establish an election precinct therein named, was read the second time and ordered to be engrossed.

The bill to regulate the fees of probate judges, was read the second time and referred to the Committee on the Judiciary.

The bill to authorize James Critcher to erect a dam across a slough near Gunter's Landing, was read the second time and ordered to be engrossed.

And the Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER 16, 1853.

The Senate met pursuant to adjournment.

Mr. Brindley, presented the petition of James D. Hauley; which was referred to the Committee on the Judiciary.

Mr. Webb, from the Committee on Accounts, reported unfavorably on the account of Dr. Rumph.

The report was laid on the table.

Mr. H. C. Jones introduced a bill to repeal the 58th section of the Code of Alabama.

Mr. Kimball introduced a bill for the relief of Horatio Chambliss and Sarah H. Flanigan; which were severally read the first time and ordered to a second reading.

Mr. Watts introduced a bill to incorporate the Western Rail Road Company of Alabama; which was read the first and second times forthwith, and referred to the Committee on Internal Improvement.

Ordered, that leave of absence be granted to Mr. Hobdy.

The engrossed bill for the relief of Wm. B. Ray, tax collector of Montgomery county, was read the third time and passed.

The joint resolution in relation to the inauguration of the Governor elect, was read the third time and passed. Yeas 23, nays 8.

Those who voted in the affirmative are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Clanton, Dickinson, Hendricks, Hewlett, Jemison, Kelly, Lamar, Lee, Malone, McLemore, Patton, Peterson, Searcy, Watts, Webb and Woodward.

Those who voted in the negative are:

Messrs. Ashley, Bradford, Crenshaw, Frazier, Gay, E. P. Jones, H. C. Jones and Kimball.

A message from the House, by Mr. Elmore:

Mr. President: The House has passed the following joint resolution:

Resolved, That with the concurrence of the Senate, the two houses will adjourn on the 20th of December, at 3 o'clock p. m., and meet again on the second Monday in January at 10 o'clock, a. m., in which the concurrence of the Senate is requested.

The resolution was concurred in. Yeas 15, nays 12.

Those who voted in the affirmative are:

Messrs. President, Bethea, Blake, Clanton, Dickinson, Gay, Hewlett, Jemison, Kelly, Lamar, Lee, Patton, Peterson, Searcy and Webb.

Those who voted in the negative are:

Messrs. Ashley, Bradford, Brindley, Crenshaw, Hendricks, E. P. Jones, H. C. Jones, Kimball, Malone, McLemore, Powell and Woodward.

Mr. Kelly moved a reconsideration of the vote just taken.

The Senate refused to reconsider.

The engrossed bill to amend section 1281 of the Code of Alabama, was read the third time.

The Senate refused to pass the bill.

A message was received from the Governor, informing the Senate that John M. Chapman had resigned the agency of the "Salt Reserve Lands," in Clarke county.

The engrossed bill to take the census of the State of Alabama for the year 1855, was read the third time and passed.

Mr. Malone reported as correctly enrolled:

An act to repeal a certain portion of an act incorporating the Pickens Guards;

An act to authorize the administrator of James, N. C. Askew, late of Mobile county, to sell the property of said decedent.

The Senate proceeded to the consideration of the special order, it being the bill to divide the State into seven congressional districts; the question pending on the amendment offered by Mr. Blake,

Mr. Dickinson moved that the bill be postponed until the 10th day of January, and be made the special order for that day; which was carried.

The bill from the House, to authorize the court of probate of Macon county to grant letters of administration on the estate of James J. Birch, deceased, was read the first, second and third times and passed.

The bill to authorize the Governor to appoint a commissioner to select certain swamp lands; and

The bill for the relief of Dr. Samuel Smith, of Tuscaloosa were severally read the first time and ordered to a second reading.

The engrossed bills to authorize Reese D. Gayle, administrator of Billups Gayle, to remove the administration from Clarke to Dallas county;

To amend section 2447 of the code;

To authorize James Critcher to erect a dam across a slough on the south side of Gunter's Landing;

To establish an election precinct therein named;

To authorize Zachariah Isbell to sell and convey his undivided estate in certain lands, were severally read the third time and passed.

The bill from the House to divorce certain persons therein named, was read the second time.

Mr. Crenshaw moved to amend the first section by striking out all after the word "naught;" which was carried. Yeas 12, nays 11.

Those who voted in the affirmative are:

Messrs. Acklen, Ashley, Clanton, Crenshaw, Frazier, Jemison, H. C. Jones. Lee, Patton, Watts, Webb and Woodward.

Those who voted in the negative are:

Messrs. President, Bradford, Brindley, Hendricks, E. P. Jones, Kelly, Kimball, Lamar, McLemore, Peterson and Searcy.

The bill was read the third time and passed. Yeas 24, nays 2.

Those who voted in the affirmative, are: —

Messrs. President, Acklen, Ashley, Bethea, Bradford, Brind-

Iey, Clanton, Crenshaw, Dickinson, Frazier, Gay, Hendricks, E. P. Jones, H. C. Jones, Kelly, Kimball, Lee, Malone, McLemore, Patton, Peterson, Searcy and Watts.

Those who voted in the negative, are:

Messrs. Webb and Woodward.

The bill for the relief of L. V. Underwood, guardian of the minor heirs of Wm. T. Howell, deceased, was read the second and third times and passed.

The bill to divorce certain persons therein named, was read the second time and ordered to a third reading.

The bill to divorce Mary C. Waters from Jonathan P. Waters, was read the second and third times and passed. Yeas 20, nays 2.

Those who voted in the affirmative, are:

Messrs. Acklen, Ashley, Bethea, Bradford, Clanton, Crenshaw, Frazier, Gay, Hendricks, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Lee, Malone, Patton, Peterson, Powell and Searcy.

Those who voted in the negative, are:

Messrs. Webb and Woodward.

The bill to divorce certain persons therein named, was read the second and third times and passed. Yeas 19, nays 3.

Those who voted in the affirmative, are:

Messrs. Acklen, Ashley, Bradford, Brindley, Clanton, Crenshaw, Frazier, Gay, Hendricks, E. P. Jones, Kelly, Kimball, Lamar, Lee, McLemore, Patton, Peterson, Powell and Searcy.

Those who voted in the negative, are:

Messrs. Blake, Webb and Woodward.

The bill to divorce certain persons therein named, was read the second and third times and passed. Yeas 19, nays 2.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Bradford, Brindley, Clanton, Crenshaw, Dickinson, Gay, Hendricks, E. P. Jones, Kelly, Kimball, Lamar, Lee, Patton, Peterson, Searcy and Watts.

Those who voted in the negative, are:

Messrs. Webb and Woodward.

The bill to authorize Richard Sanders to remove certain property to Mississippi, and sell a certain negro slave therein named, was read the second time and referred to the Committee on the Judiciary.

The bill to authorize the administrator of the estate of Albert Russell, deceased, to keep said estate together, was read the second and third times and passed.

The engrossed bill to amend section 2037 of the code, was read the third time.

Mr. Watts moved to amend the bill by engrossed rider, which was adopted and the bill passed.

The joint memorial in relation to the reduction of the price of pine lands in this State; and

The bill to amend an act incorporating the town of Tuskegee, were severally read the second time and ordered to a third reading.

To authorize Richard Sanders to remove certain property therein named to Mississippi; and

The bill to amend section 3992 of the code were severally read the second time and referred to the Committee on the Judiciary;

To authorize the probate court of Macon county to grant letters of administration on the estate of James J. Birch, deceased, was read the second time and ordered to be engrossed;

To regulate the compensation of administrators and guardians, was read the second time and referred to the Committee on the Judiciary.

Mr. Ashley offered the following preamble and resolution:

WHEREAS, the two Houses of the General Assembly have passed a joint resolution to adjourn from the 20th December, 1853, to the 2nd Monday in January, 1854; Therefore,

Resolved, That with the concurrence of the House of Representatives no member of the General Assembly shall have any per diem or mileage pay during the recess occasioned by said adjournment.

The Senate refused to order the resolution to a second reading.

Mr. Watts introduced a bill for the relief of Wm. W. Walker of Montgomery county; also,

A bill to renew the loan of that part of the two per cent. fund loaned to the Montgomery and West Point Rail Road company; which bills were severally read the first time and ordered to a second reading.

And the Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER, 17th, 1853.

The Senate met pursuant to adjournment.

Mr. Hendricks presented a petition; which was referred to the Committee on Sixteenth Sections.

Mr. Clanton presented a petition; which was referred to the Committee on Temperance.

Mr. Hendricks introduced a bill to authorize the judge of probate of Cherokee county to grant an order to sell the real estate of a certain minor therein named; also,

Joint resolutions in regard to the Coosa and Chattooga River Rail Road; which were severally read the first time and ordered to a second reading.

Mr. Hendricks also introduced a bill to authorize the holding of a special term of the circuit courts of this State in certain cases.

Mr. McLemore introduced a bill to amend the charter of the Lafayette Branch Rail Road; which were severally read the first time and ordered to a second reading.

Mr. Kimball offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to

take into consideration and report to the Senate, on, or before the day designated for adjournment by the joint resolution of both Houses, if it be in accordance with law and the constitution, that members of this Legislature under such adjournment as proposed, be entitled to their per diem, or mileage, or both, or if the clerks are entitled to the same, and if the law has made provisions for the safe keeping of all bills, memorials, &c., in the hands of committees, &c., and at whose expense and responsibility the same are chargeable, and if the constitution ever contemplated any adjournment other than that indicated by public necessity.

The resolution was laid on the table. Yeas 18, nays, 10.

Those who voted in the affirmative, are :

Messrs. President, Acklen, Bethea, Brindley, Clanton, Dickinson, Gay, Hendricks, Hewlett, Jemison, H. C. Jones, Kelly, Lamar, Lee, Peterson, Searcy, Webb and Woodward.

Those who voted in the negative, are :

Messrs. Ashley, Baker, Blake, Crenshaw, Frazier, E. P. Jones, Kimball, Malone, Patton and Powell.

Mr. Frazier offered the following preamble and resolution :

WHEREAS, the two houses of the general assembly will adjourn on the 20th of December, (inst.) to the 9th day of January next ; Therefore,

Be it resolved, &c., That all references, bills, orders, special orders, and generally all business of the two houses, or either of them, unfinished on the 20th inst. shall remain in force and effect until the said 9th day of January next, and shall be taken up in their regular order on and after that day.

Mr. Webb moved to lay the resolution on the table ; which was lost. Yeas 8, nays 18.

Those who voted in the affirmative, are :

Messrs. Brindley, Gay, Hewlett, Kelly, Webb, E. P. Jones and Woodward.

Those who voted in the negative, are :

Messrs. President, Acklen, Ashley, Baker, Bethea, Bradford, Clanton, Crenshaw, Frazier, Jemison, H. C. Jones, Kimball, Lamar, Malone, Patton, Peterson, Powell and Searcy.

The Senate refused to adopt the resolution.

Mr. Bethea offered the following resolution :

Resolved, That the Hon. James P. Scriven and the Hon. Wilson Tift of the State of Georgia, commissioners, appointed by the Governor of the State of Georgia, to visit the general assembly of the State of Alabama, be invited to take seats in the bar of the Senate.

The resolution was unanimously adopted.

The bill to establish a system of internal improvements in the State, being the special order, was taken up.

Mr. Dickinson moved that the further consideration of the bill be postponed until the 12th day of January next ; which was carried.

This vote was reconsidered and the bill made the special order for Monday next at 11 o'clock.

A message from the House by Mr. Elmore, informing the Senate that the House had adopted a resolution to go into the election of a State treasurer and comptroller this day at 11 o'clock.

The resolution was concurred in.

Message from the House by Mr. Elmore—

Mr. President: The House has originated and passed the following bills:

To incorporate Beard's Bluff and Elyton Rail Road;

To amend the charter of the Gainesville and Mississippi Road Company;

To incorporate the Eufaula Plank Road Company; and

Senate bills of the following titles:

Relating to the burnt records of Butler county;

To repeal section 3439 of the code, so far as relates to the ability of jurors to read and write;

To incorporate the Alabama and Tennessee Central Rail Road Company, amended as therein shown;

For the relief of Thomas B. Grigg of Montgomery county; also,

House bill to regulate the public schools in Mobile county.

Mr. Baker introduced a bill to amend the charter of the Girard Rail Road Company; which was read the first and second times and referred to the Committee on Internal Improvement.

The amendment of the House to the bill to incorporate the Alabama and Tennessee Central Rail Road Company was concurred in.

Mr. Bethea reported the bill to grant to the Albany and Savannah Rail Road Company the right of way, and reported the same with amendments.

The bill was laid on the table.

The bill to incorporate the Beard's Bluff and Elyton Rail Road Company, was read the first, second and third times, and passed.

The bill to regulate the system of public schools in Mobile county, was read the first time and ordered to a second reading.

The bill to incorporate the Eufaula Plank Road Company, was read the first, second and third times, and passed.

The hour of 12 having arrived, the Senate, upon invitation, repaired to the Hall of the House, and the two houses proceeded to elect a state treasurer, Wm. Graham alone being in nomination, and he having received 117 votes,

Mr. Speaker declared him duly and constitutionally elected State Treasurer for the term prescribed by the constitution.

The two houses proceeded to elect a comptroller of public accounts, Joel Riggs alone being in nomination, and he having received 114 votes,

Mr. Speaker declared him duly and constitutionally elected

comptroller of public accounts for the term prescribed by the constitution.

The Senate returned to its chamber.

Mr. Powell presented the account of Messrs. Jordan and Moore, lessees of the penitentiary; which was referred to the Committee on the Penitentiary.

Mr. Woodward introduced a bill to incorporate the Brewersville Male and Female Academy in the county of Sumter; which was read the first time and ordered to a second reading.

The bill to amend the charter of the Gainesville and Mississippi Road Company, was read the first and second times and referred to the Committee on Internal Improvement.

Ordered that leave of absence be granted to Messrs. Hendricks and Hewlett.

The memorial to Congress, in relation to public lands in this State; and

The bill to amend an act incorporating the town of Tuskegee; were severally read the third time, and passed.

The bill to divorce certain persons therein named, was read the third time, and passed. Yeas 25, nays 2.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Baker, Blake, Bradford, Brindley, Clanton, Crenshaw, Dickinson, Frazier, Gay, Jemison, E. P. Jones, H. C. Jones, Kimball, Lamar, Lee, Malone, McLe-more, Patton, Peterson, Powell and Searcy.

Those who voted in the negative, are:

Messrs. Webb and Woodward.

The bill for the relief of Dr. Samuel Smith of Tuscaloosa, was read the second and third times, and passed.

The bill authorizing the Governor to select certain swamp lands granted to this State by Congress, was read the second time and referred to the Committee on Internal Improvement.

The bill for the relief of Horatio Chambliss and Sarah A. V. Flanigen; was read the second time and ordered to be engrossed.

The bill to repeal section 58 of the code; and

The bill for the relief of W. W. Waller, of Montgomery county, were severally read the second time and referred to the Committee on the Judiciary.

The bill to renew the loan of that part of the two per cent. fund loaned to the Montgomery and West Point Rail Road, was read the second time and referred to the Committee on the Judiciary.

Mr. H. C. Jones, from the Committee on Enrolled Bills, reported as correctly enrolled:

An act for the relief of the administrator of the estate of Wm. M. Gilkey, late of Pickens county;

To cause the county treasurer and surveyor of Cherokee to be elected by the people;

To repeal an act exempting certain persons from working on the public roads in Cherokee county;

To regulate the pay of jurors in the county of Coffee ;

To authorize the probate court of Montgomery county to grant letters of administration on the estate of Wesley D. Hall, deceased.

To authorize the probate court of Macon county to grant letters of administration on the estate of James J. Birch, deceased ;

For the relief of Thomas B. Grigg, of Montgomery county.

And the Senate adjourned until Monday morning 10 o'clock.

DECEMBER 19, 1853.

The Senate met pursuant to adjournment.

Mr. President laid before the Senate a report from Governor Collier, showing the amount expended for the deaf and dumb in this state ; which was referred to the Committee on Education.

Mr. Webb presented the petition of sundry citizens in regard to selling the children of slaves from their parents ; which was laid on the table.

The bill to amend the charter of the Gainesville and Mississippi Rail Road Company, was read the third time and passed ; the vote refusing said bill having been reconsidered.

Mr. Acklen presented a petition, which was referred to the Committee on Sixteenth Sections.

Mr. Blake presented a petition on the subject of temperance ;

Mr. McLemore also presented a petition ; which were severally referred to the Committee on Temperance.

Mr. Frazier, from the Committee on Sixteenth Sections, reported the bill to allow the commissioners of section 16, township 4 and range 15, in Covington county, certain compensation therein named, with certain amendments ; which were concurred in, and the bill passed.

Mr. Malone reported as correctly enrolled :

A bill to incorporate the Tennessee and Alabama Central Rail Road Company.

Mr. Patton introduced a bill to amend an act to incorporate the town of Florence ; which was read the first, second and third times forthwith, and passed.

The bill to grant to the Albany and Savannah Rail Road Company the right of way from the line of Georgia to Mobile, &c., was taken from the table.

The question pending on the amendment reported by the committee,

Mr. Baker moved an amendment to the amendment ; which was adopted.

Mr. Peterson also moved an amendment to the amendment ; which was adopted.

The amendment as amended was then adopted, and the bill read the third time and passed.

Message from the House by Mr. Elmore :

Mr. President: The House has adopted the following resolution :

Resolved, With the concurrence of the Senate, the joint commit-

tee of arrangements for the Governor's inauguration be authorized to make such alterations in the programme as may be necessary.

The resolution was concurred in.

A message was received from the Governor, informing the Senate that he had approved an act to incorporate the Tennessee and Alabama Central Rail Road Company.

A communication was also received from the Governor on the subject of colonization.

Ordered, that the same be laid on the table.

Mr. Powell, from the Committee on the Penitentiary, made the following

REPORT :

The Committee on the Penitentiary, to whom was referred the reports of inspectors, physician and lessee of the penitentiary, and so much of the Governor's message as refers to the penitentiary, have had the same under consideration, and have instructed me to report:

That a portion of the Committee have visited the penitentiary with a view to get all the information requisite to a proper understanding of all the subjects referred to them.

The enlargement of the penitentiary yard, and the increase of the number of cells, as recommended by the inspectors, (as per plan herewith submitted) are considered indispensable, on account of the increase and increasing number of convicts, and the crowded state of the shops and yard.

The plan proposes to extend the wall in the rear 200 feet, with an additional wall of 300 feet, giving in the prison yard an additional area of 200 by 300 feet. The ground proposed to be included in the yard is the property of the State, and it is thought will give to the prison yard ample convenience for the employment of a large number of convicts.

This enlargement will also enable the lessee to keep his raw materials within the penitentiary walls, (which cannot be done now for want of room) and thereby avoid the great inconvenience and risks of escapes, which may frequently occur by bringing into the prison yard lumber, bark and other material for the employment of the convicts. The present rear should remain for the security of the convicts until the proposed improvements shall be completed.

The material in the said rear wall now standing may be used, after the enlargement of the yard is completed, in the building of ninety-two additional cells, according to the plan herewith submitted, which is also recommended by the committee.

The necessity for this improvement is manifest from the fact that on the first day of October last, the date of the inspectors report, there were 191 convicts in the prison, there are only 208 cells, making 17 vacant cells on the first of October, after which time the convictions of the fall courts are to come in, which it is thought will about fill up the remaining cells.

The estimate of the cost of the aforementioned improvements is herewith submitted in detail, which shows that the cost of the additional walls will be about \$11,239 20; and the cost of the additional cells will be about \$6,611 12, or \$71 86 each. In these estimates the making and laying of the bricks, which constitutes almost the entire cost of the improvements proposed, are calculated at \$8 per thousand for the walls, and \$10 per thousand for the cells.

The committee also recommend the sinking of an artesian well in the prison yard. The present supply of water is very limited and uncertain, it being conducted by a subterranean passage of about a mile, and through lands not belonging to the state. The prison is thereby constantly in danger of being supplied with adulterated water, to the prejudice of the health of the convicts, or having its water supplies, now very meagre, entirely cut off.

It is estimated that the cost of sinking and tubing said well will be from six to eight hundred dollars.

The committee also recommend that a well selected library of religious and moral works be purchased at a cost not to exceed \$200, for the use of the convicts. It is thought that this sum will be sufficient to buy the books necessary for the present use of the convicts.

The committee is of opinion that books of the character mentioned should supply the place of the newspaper reading which has prevailed in the prison, and recommend that the lessee be authorized to forbid newspaper reading by the convicts, if in his judgment it may be proper.

Mr. Powell also reported a bill to appropriate a certain sum of money for improvements in the penitentiary; which was read the first time and ordered a second reading.

The bill to aid in establishing a system of internal improvements in this state, being the special order, was taken up, and the further consideration of said bill postponed until the 11th of February, at 12 o'clock, and made the special order of the day for that hour.

The bill to amend the charter of the town of Talladega;

The bill to amend the charter of the Marengo Covered or Plank Road Company; and

The bill for the relief of Horatio Chambliss and Sarah A. Flanigan, were severally read the third time and passed.

The bill to regulate the public schools in the county of Mobile, was read the second time and referred to the Committee on Education.

The bill to amend the charter of the LaFayette Branch Rail Road Company, was read the second time and referred to the Committee on Internal Improvement.

The bill to authorize a special term of the circuit court in certain cases; and

The bill to authorize the probate judge of Cherokee county to

grant an order to sell the real estate of a certain minor therein named, were severally read the second time and referred to the Committee on the Judiciary.

The preamble and joint resolution to the Congress of the United States in relation to the Coosa and Chattooga River Rail Road Company, was read the second time and referred to the Committee on Federal Relations.

The bill incorporating the Brewersville Male and Female Academy, was read the second time and referred to the Committee on the Judiciary.

Mr. Frazier offered the following resolution:

Resolved by the Senate, &c., That the joint resolution of the two houses, heretofore adopted, to adjourn on the 20th instant, to meet again on the 9th day of January, be and the same is hereby reconsidered.

The resolution was laid on the table. Yeas 18, Nays 10.

Those who voted in the affirmative, are:

Messrs. President, Ashley, Baker, Bethea, Blake, Bradford, Brindley, Clanton, Dickinson, Gay, Jemison, Kelly, Lamar, Lee, Patton, Peterson, Searcy and Woodward.

Those who voted in the affirmative, are:

Messrs. Cocke, Crenshaw, Frazier, Hendricks, E. P. Jones, H. C. Jones, Malone, McLemore, Powell and Webb.

The Senate concurred in the amendment of the House to the joint resolution of the general assembly of Georgia.

Mr. Powell introduced a bill to appropriate a certain sum therein named to the lesees of the Penitentiary, which was read the first time and ordered to a second reading.

Mr. Hendricks reported the bill to incorporate the Montgomery Rifles, with amendments; which were concurred in, and the bill read third time and passed.

The bill to repeal sections 3270, 3271 and 3272 of the code, was postponed until the 12th day of January, and made the special order for 12 o'clock of that day.

And then the Senate adjourned until to-morrow morning, 10 o'clock.

DECEMBER, 20th, 1853.

The Senate met pursuant to adjournment.

Mr. Dickinson and Mr. H. C. Jones presented petitions on the subject of Temperance, which were severally referred to the Committee on Temperance.

Mr. Bethea introduced a bill to pay jurors in Mobile county, &c., which was read the first time and ordered to a second reading.

Mr. Powell introduced a bill to exempt officers of the penitentiary from military duty, &c., which was read the first and second times and referred to the Committee on the Judiciary.

Mr. H. C. Jones introduced a bill to amend the several acts in-

corporating the town of Tuscumbia, in Franklin county, which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Cocke, from the Committee on Enrolled Bills, reported as correctly enrolled, a preamble and joint resolution of the general assembly of Alabama to the general assembly of Georgia; also,

An act to authorise the Albany and Savannah company to extend their rail road from the line of Georgia, on the Cattahoochee river, to the city of Mobile, and to extend a branch road from Eu-faula to Montgomery;

The bill to appropriate a certain sum of money therein named to the lessee of the penitentiary; and

The bill to appropriate certain sums for improvements in the penitentiary, &c.; were severally read the second time and postponed until the 9th day of January.

At the hour of 12 m., the Senate, upon invitation, repaired to the hall of the House, and the two houses proceeded to the inauguration of John Anthony Winston, the governor elect. The oath of office was administered by the Speaker of the House in the presence of both houses of the general assembly, and Mr. Winston installed as Governor of the State of Alabama for the term of two years.

The governor retired from the hall of the House.

The Senate returned to its chamber, and adjourned until half past 2, p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

The bill to incorporate the Baptist Male High School, was read the first, second and third times and passed.

The bill to amend the law and regulate the proceedings in admiralty; and

The bill for the relief of the deaf and dumb in this State, were severally read the first time and ordered to a second reading.

The hour of 3 having arrived, the Senate, in accordance with the joint resolution, stood adjourned until Monday, the 9th day of January, at 11 o'clock, a. m.

JANUARY, 9th, 1854.

The Senate met pursuant to adjournment.

Mr. Blake presented the petition of James F. Chapman, of Dallas, which was referred to the Committee on the Judiciary.

Mr. Blake also presented a petition on the subject of temperance, which was referred to the Committee on Temperance.

Mr. Webb presented the presentment of the grand jury of the Marengo circuit court, which was referred to the Committee on the Judiciary.

Mr. Kimball presented a petition of certain citizens in refer-

ence to a line of rail road between Opelika and Talladega; which was referred to a select committee, composed of the delegations from Chambers, Talladega and Tallapoosa.

Mr. Watts presented the petition of William Boyd and others, which was referred to the Committee on Propositions and Grievances.

Mr. Blake introduced a bill to incorporate the town of Orrville, in Dallas county; also,

A bill to incorporate the Perham Manufacturing Company; which were severally read the first time and ordered to a second reading.

Mr. Blake also introduced a bill to incorporate the Gas Light Company of Selma; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Webb introduced a bill for the relief of the administrator of John E. Lipscomb, deceased, and of guardian of the minor heirs of said Lipscomb; which was read the first and second times and ordered to be engrossed.

Mr. Bethea introduced a bill to further amend the charter of of the Mobile Navigation and Insurance Company; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Bethea also introduced a joint memorial to the Congress of the United States; which was read the first and second times and referred to the Committee on Federal Relations.

The Senate refused to recede from its amendment to the bill from the House to exempt certain property from sale by executors or administrators; a committee of conference was appointed on the part of Senate, consisting of Messrs. Crenshaw, Bradford and H. C. Jones.

The bill from the House for the relief of the deaf and dumb in this state, was read the first and second times and referred to the Committee on Education.

The bill to amend the law and regulate the proceedings in admiralty, was read the first and second times and referred to the Committee on the Judiciary.

Mr. Dickinson offered the following resolution:

Resolved, That a committee of three be appointed to wait on his excellency the governor and request a copy of his inaugural address, delivered on the 20th December before taking the oath of office, for publication, and that three thousand copies thereof be printed for the use of the Senate.

The resolution was unanimously adopted.

And the Senate adjourned until to-morrow morning, 10 o'clock.

JANUARY 10th, 1853.

The Senate met pursuant to adjournment.

Mr. President laid before the Senate a preamble and resolutions

from the State Temperance Convention; which was referred to the Committee on Temperance.

Petitions were also presented by Messrs. Kelly, Watts, Ashley and Dickinson; which were severally referred to the Committee on Temperance.

Mr. Watts presented the petition of Dr. E. Osborn, of Montgomery county.

Mr. Ashley presented the petition of sundry citizens of Conecuh county, praying the incorporation of Bellville Academy; also

A petition praying that a law might be passed prohibiting the sale of spirituous liquors within one mile of said academy; which were severally referred to the Committee on Propositions and Grievances.

Mr. Acklen presented the petition of sundry citizens of Madison county on the subject of sixteenth section fund, which was referred to the Committee on Sixteenth Sections.

Mr. President (Mr. Bethea in the chair) introduced a bill to confer certain powers on the court of county commissioners of Benton county; which was read the first time and ordered to a second reading.

The engrossed bill for the relief of the administrator of John E. Lipscomb, deceased, was read the third time and passed.

The bill to appropriate certain sums for improvements in the penitentiary was taken up, being on its second reading.

Mr. Powell moved to amend by additional section; which was adopted, and the further consideration of the bill postponed until Thursday, 11 o'clock.

The bill to appropriate a certain sum of money therein named, to the lessee of the Penitentiary, was referred to the Committee on the Judiciary.

The bills to incorporate the town of Orrville, in Dallas county; To pay jurors in Mobile county, &c.;

To incorporate the Perham Manufacturing Company, were severally read the third time and referred to the Committee on the Judiciary.

The Senate proceeded to the consideration of the special order—the bill to divide the State into seven congressional districts.

Mr. Malone moved to postpone the further consideration of the bill until Friday next, at 11 o'clock, and make it the special order for that hour; which was carried.

A message from the House by Mr. Elmore:

Mr. President: The House has passed bills of the following titles:

For the relief of Wm. Weatherford and others;

To amend section 2455 of the code, &c.;

To provide for the payment of certain fees to notaries public for notices of protest;

To make protests of notaries and other authorised persons, evidence in certain cases;

To repeal section 3249 and part of section 897 of the code, and for other purposes ;

To authorise the courts of county commissioners to establish and abolish places of voting in election precincts ;

To authorise the sheriff and clerk of Coffee county to take bonds, &c.;

To increase the compensation of grand, petit and tales jurors in Macon county ;

To attach David Seabers, of Benton county, to precinct No. 1 ;

To appoint additional surveyors in certain cases ;

To alter the commencement of the fall term of the circuit court in the eighth circuit, &c.;

For the purpose of establishing an election precinct in the county of Marion, and for other purposes ;

To authorize the probate judge of Lowndes county to order a special election for commissioners of roads and revenues for said county ;

To incorporate the Alabama River Pilot Association ;

To incorporate the Tuskegee Female College ;

Has also passed the Senate bill to regulate the fees of probate judge of Montgomery county.

The House has appointed Messrs. Watkins, Murphy and McCall of Barbour, to confer with the Senate committee in relation to the amendments of the Senate on the bill to exempt certain property from sale by executors and administrators.

The bills mentioned in the message from the Senate, were severally read the first time and ordered to a second reading.

Mr. Ashley introduced a bill for the relief of the heirs of C. Brewton, of Conecuh county ; which was read the first and second times and referred to the Committee on Sixteenth Sections.

And the Senate adjourned until to-morrow morning, 10 o'clock.

JANUARY 11, 1854.

The Senate met pursuant to adjournment.

Mr. E. P. Jones presented the petition of sundry citizens of Fayette county in relation to the lands of said county subject to overflow ; which was referred to the Committee on Federal Relations.

Mr. Webb introduced a bill in regard to injunctions ; which was read the first time and ordered to a second reading.

Mr. Searcy introduced a bill to confine suits in justices courts in Henry and Dale to the beats of defendants residences ; which was read the first time and ordered to a second reading.

The House bill to authorize the probate judge of Lowndes county to order a special election for commissioners of roads and revenues for said county ; and

The bill for the purpose of establishing an election precinct in the county of Marion ; were severally read the second time and referred to the Committee on the Judiciary.

The House bills:

To alter the commencement of the fall term of the circuit court of the 8th judicial circuit;

To appoint additional surveyors in certain cases;

To attach David Seabers of Benton county to precinct No. 1;

To increase the compensation of grand, petit and tales jurors in Macon county; were severally read the second time and ordered to a third reading.

The House bills:

To authorize the clerk and sheriff of Coffee county to take bonds, &c.; and

The bill to authorize courts of county commissioners to establish, abolish and change election precincts; were severally read the second time and ordered to a third reading.

The bill to repeal section 3249, and part of section 399 of the code, was read the second time.

Mr. Blake moved to refer the bill to the Committee on the Judiciary; which was lost.

The Senate refused to order the bill to a third reading. Yeas 14, nays 16.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Baker, Blake, Bradford, Brindley, Clanton, Crenshaw, E. P. Jones, H. C. Jones, Kimball, Malone, Powell and Searcy—14.

Those who voted in the negative, are:

Messrs. Acklen, Cocke, Dickinson, Frazier, Gay, Hendricks, Hobdy, Hewlett, Kelly, Lamar, McLemore, Patton, Peterson, Watts, Webb and Woodward—16.

The Senate proceeded to the consideration of the special order, it being the bill to aid in establishing a system of internal improvements in this State.

The question pending on the amendment reported by the committee,

Mr. Acklen moved to re commit the bill to the Committee on Internal Improvement and Inland Navigation; which was carried. Yeas 20, nays 11.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Bradford, Clanton, Cocke, Crenshaw, Frazier, Hendricks, H. C. Jones, Kelly, Kimball, Lamar, Malone, McLemore, Patton, Powell and Watts.

Those who voted in the negative, are:

Messrs. Blake, Brindley, Dickinson, Gay, Hobdy, Hewlett, E. P. Jones, Peterson, Searcy, Webb and Woodward.

Message from the House by Mr. Elmore—

Mr. President: The House has passed bills of the following titles:

To amend section 397 of the code;

For the benefit of the tax assessor of Dallas county;

Explanatory of a certain law therein named;
 To regulate the sale of section 16, township 14, and range 24,
 of Macon county;
 For the relief of Leroy Napier;
 For the relief of John G. Hall;
 For the relief of the tax assessors of Randolph, Tallapoosa and
 Chambers counties;
 To extend the time of payment and settlement of the taxes of
 Sumter county;
 To amend the charter of the city of Tuscaloosa;
 To incorporate the "Cant Get Away Club" of Mobile;
 For the relief of R. W. Clarke, tax collector of Cherokee, and
 John B. Smith of Jefferson county;

Also, a Senate bill incorporating the town of Florence.

The bills mentioned in the message from the House were severally read the first time and ordered to a second reading, except the bill to amend the charter of the city of Tuscaloosa; which was read the first, second and third times, and passed.

The bills to make the protests of notaries and other authorized persons evidence in certain cases;

To provide for the payment of certain fees to notaries;

Public for notices of protest; and

To amend section 2455 of the code; were severally read the second time and referred to the Committee on the Judiciary;

To incorporate the Tuskegee Female College; was read the second time and referred to the Committee on Education;

To incorporate the Alabama Pilot Association; was read the second time and referred to the Committee on Internal Improvement and Inland Navigation.

The bill for the relief of Wm. Weatherford and others; and

The bill to confer certain powers on the court of county commissioners of Benton county; were severally read the second time and referred to the Committee on the Judiciary.

Mr. Hewlett introduced a bill to incorporate Mount Hope, in Lawrence county; which was read the first time and ordered to a second reading.

Mr. Bradford presented the petition of John W. Bishop; which was referred to the Committee on Accounts, and the Senate adjourned until to-morrow morning, 10 o'clock.

JANUARY, 12th 1854.

The Senate met pursuant to adjournment.

Mr. Blake presented the petition of sundry citizens, praying that Robert H. Lake, of Dallas county might be licensed to practice law; which was referred to the Committee on the Judiciary.

Mr. Kelly presented a petition of sundry citizens of Shelby county, praying the passage of a law against camp hunting; which was referred to the Committee on Propositions and Grievances.

Mr. Hendricks presented a petition on the subject of temperance; which was referred to the Committee on Temperance.

Mr. Blake, from the Committee on the Judiciary, to whom was referred the bill to repeal a certain portion of the Code of Alabama, reported that it was unnecessary to legislate further upon the subject, as the committee had acted upon the subject matter of the bill and reported the same to the Senate.

The report was concurred in.

Mr. Blake reported favorably on the bill to incorporate the Brewersville Male and Female Academy, and the bill was ordered to be engrossed.

Mr. Blake reported the bill to amend the several acts incorporating the town of Tuscumbia, in Franklin county, with an amendment; which was adopted and the bill ordered to be engrossed.

Mr. Blake reported favorably on the bill to incorporate the Wetumpka Insurance and Trust Company.

The bill was ordered to be engrossed.

Mr. Blake reported the bill to define the duties and regulate the compensation of the marshall of the supreme court, with a substitute; which was adopted.

The Senate refused to order the bill to a third reading.

Mr. Blake reported unfavorably on the bill to authorize the judge of probate of Cherokee county to sell the real estate of a certain minor therein named, as the objects of the bill are provided for by the existing law.

The report was concurred in.

Mr. Blake reported unfavorably on the bill for the relief of W. W. Waller, of Montgomery county.

The report was concurred in.

Mr. Blake reported favorably on the bill to incorporate the Gass Light Company of Selma, and the bill was ordered to be engrossed.

Mr. Blake reported the bill to incorporate the Mobile and Dog River Manufacturing Company, with an amendment by way of a substitute.

Mr. Baker moved to amend the amendment by striking out the words, "or give away;" which was lost.

The amendment was adopted, and the bill ordered to be engrossed.

Mr. Blake reported favorably on the bill to amend section 3992 of the Code of Alabama.

The bill was ordered to be engrossed.

Mr. Ashley, from the Committee on Propositions and Grievances, reported unfavorably on the petition of Dr. E. Osborne, and the report was concurred in.

Mr. Ashley reported a bill for the relief of Edna Hooker, of Montgomery county.

The bill was read the first time and ordered to a second reading.

Mr. Hewlett, from the Committee on Federal Relations, reported favorably on the memorial to Congress, in reference to a line of rail road between Mobile and New Orleans.

The memorial was read the third time and adopted.

Mr. Hewlett, from the same committee, to whom was referred the resolution instructing said committee to inquire into the expediency of memorializing congress to give the State of Alabama power to apply such portion of the two and three per. cent fund to equalize the sixteenth section fund, and in aid of common schools, as the legislature may think proper, and if expedient to report a joint memorial, reported that it was inexpedient to take the action recommended by said resolution.

The report was concurred in.

Mr. McLemore introduced a bill to define the rights and privileges of free persons of color residing in this State; which was read the first and second times forthwith, and referred to the Committee on the Judiciary.

Mr. Malone introduced a bill to amend section 980 of the Code of Alabama.

Mr. Webb introduced a bill to amend an act to incorporate the North-east and South-west Rail Road Company.

Mr. Patton introduced a bill to incorporate the town of Waterloo, in the county of Lauderdale; which were severally read the first time and ordered to a second reading.

Mr. Cocke offered the following resolution:

Resolved, That the Committee on Sixteenth Sections be instructed to report a bill to extend the debts now due from the purchasers of sixteenth section lands for the term of two years.

The hour of 11 having arrived the Senate proceeded to the consideration of the special order, it being the bill to appropriate certain sums for improvements in the penitentiary.

Mr. Frazier moved to strike out the first section of the bill; which was carried. Yeas 17, nays 12.

Those who voted in the affirmative, are:

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Frazier, Gay, Hendricks, Hobdy, E. P. Jones, H. C. Jones, Kelly, Lamar, McLemore, Searcy and Webb.

Those who voted in the negative, are:

Messrs. President, Acklen, Baker, Bradford, Crenshaw, Dickinson, Hewlett, Kimball, Patton, Peterson, Powell, Watts and Woodward.

Mr. Frazier moved to strike out the fifth section of the bill; which was carried.

Mr. Ashley moved to reconsider the vote just taken on this bill.

Mr. President (Mr. Brindley in the chair) moved to postpone

the further consideration of the bill until Saturday next at 11 o'clock, and make it the special order for that hour; which was carried.

The hour of 12 having arrived the Senate proceeded to the consideration of the bill to repeal sections 3270-71 and 72 of the code, it being the special order. The question pending on the passage of the bill, and after sometime spent in discussion thereon the Senate adjourned until to-morrow morning 10 o'clock.

JANUARY, 13th, 1854.

Senate met pursuant to adjournment.

Mr. Clanton presented the petition of sundry citizens, praying the incorporation of Warrior Stand village; which was referred to the Committee on Propositions and Grievances.

Mr. Blake reported that the bill to incorporate the town of Orrville, in Dallas county, was provided for by the existing law; in which report the Senate concurred.

Mr. Blake reported favorably on the bill to authorise the county treasurer of Jefferson county to pay over certain funds, &c.

The bill was ordered to a third reading.

Mr. Blake reported unfavorably on the bill to authorise Richard Sanders, executor, &c., to remove certain property to Mississippi.

The report and bill were laid on the table.

Mr. Blake reported unfavorably on the bill to exempt certain officers of the penitentiary from military duty.

The report and bill were laid on the table.

Mr. Blake reported favorably on the bill to amend the charter of the Mobile Navigation and Insurance Company.

The bill was ordered to be engrossed.

Mr. Blake reported the bill to authorise the transfer of a certain case now pending in the city court of Mobile, to the circuit court of said county, with an amendment; adopted and the bill ordered to be engrossed.

Mr. Blake reported the bill for the better government of slaves on farms and plantations, with an amendment by way of substitute.

Mr. H. C. Jones moved to amend the amendment by exempting Franklin county from the provisions of the act; which was lost.

Mr. Malone moved to exempt John R. Harris, of Limestone county.

The motion was lost.

Mr. Baker moved to exempt the county of Russell; which was lost.

Mr. Bradford moved to exempt all persons owning a less number than ten slaves; which was lost.

Mr. Frazier moved to exempt the counties of Jackson and Tallapoosa.

Mr. Webb moved to lay the amendment on the table; which was carried.

Mr. Watts moved to amend as follows:

Be it further enacted, That the provisions of this act shall not apply to persons owning not exceeding eight hands on a plantation at a distance not less than three miles from any city, town or incorporated village.

Which was adopted.

Mr. H. C. Jones moved to amend by striking out the word "two miles" and insert "one;" also to strike out "proviso," in section 1; which was lost.

Mr. Baker, moved to postpone the bill indefinitely; which was lost. Yeas 14, Nays 17.

Those who voted in the affirmative, are:

Messrs. Baker, Bradford, Dickinson, Frazier, Gay, E. P. Jones, H. C. Jones, Kelly, Kimball, Malone, McLemore, Powell, Searcy and Woodward.

Those who voted in the negative, are:

Messrs. President, Acklen, Ashley, Bethea, Blake, Brindley, Clanton, Cocke, Crenshaw, Hendricks, Hobdy, Hewlett, Lamar, Patton, Peterson, Watts and Webb.

Mr. Malone moved to reconsider the vote taken on the adoption of the amendment offered by Mr. Watts.

The Senate refused to reconsider. Yeas 14, Nays 16.

Those who voted in the affirmative are:

Messrs. Acklen, Bethea, Blake, Clanton, Cocke, Frazier, Hewlett, H. C. Jones, Kelly, Malone, Patton, Peterson, Webb and Woodward.

Those who voted in the negative are:

Messrs. President, Ashley, Baker, Bradford, Brindley, Crenshaw, Dickinson, Gay, Hendricks, Hobdy, E. P. Jones, Kimball, Lamar, Powell, Searcy and Watts.

The substitute, as amended, was adopted.

The Senate refused to order the bill to a third reading. Yeas 14, Nays 17.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Bethea, Blake, Clanton, Crenshaw, Hendricks, Hobdy, Hewlett, Patton, Searcy, Watts and Webb.

Those who voted in the negative are:

Messrs. Baker, Bradford, Brindley, Cocke, Dickinson, Frazier, Gay, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Malone, McLemore, Peterson, Powell and Woodward.

The hour of 11 having arrived, the Senate resumed the consideration, it being the bill to divide the state into seven congressional districts.

Mr. Bethea moved to suspend the bill in order to receive reports from standing committees; which was carried.

Mr. Bethea reported the bill to incorporate the Western Rail Road of Alabama, with an amendment; which was adopted and the bill ordered to be engrossed.

Mr. Baker, from the Judiciary Committee, reported the bill to settle definitely the boundary line between the States of Alabama and Georgia, with an amendment; which was adopted and the bill ordered to be engrossed.

Mr. Baker also reported favorably on the bill to amend the charter of the Mobile and Girard Rail Road Company, and the bill was ordered to be engrossed.

Mr. Cocke reported, as correctly enrolled,

The bill to regulate the fees of the judge of probate of Montgomery county;

To amend the charter of the Gainesville and Mississippi Road Company;

Defining the duties of tax collector in certain cases;

To divorce certain persons therein named, &c.;

To regulate the system of public schools in the county of Mobile;

To amend the charter of the Bank of Mobile;

To repeal so much of the 3439th section of the code on the subject of the qualifications of jurors as relates to their ability to read and write;

To authorise Reese D. Gayle, administrator of Billups Gayle, to remove the administration from Clarke to Dallas county;

Relating to the burnt records of Butler county; also,

A memorial to the Congress of the United States asking an appropriation for the improvement of the navigation of Mobile bay.

Mr. H. C. Jones, from the Committee on the Judiciary, reported unfavorably on the petition of sundry citizens of Tallapoosa county, in regard to amendments to the constitution.

The report was laid on the table.

Mr. Bethea reported favorably on the bill to amend the charter of the Lafayette Branch Rail Road Company.

The bill was read the third time and passed.

Mr. Bethea reported favorably on the bill to amend the charter of the Coosa and Chattooga River Rail Road.

The amendments of the committee were adopted, the bill read the third time forthwith and passed.

Mr. Bethea also reported favorably on the bill to amend the charter of the Mobile and New Orleans Rail Road.

The bill was read the third time forthwith and passed.

Mr. Bethea reported the bill to incorporate the Alabama and East Tennessee Rail Road, with sundry amendments, which were adopted.

The bill was read the third time; after much time spent in the discussion of said bill,

Mr. Bethea moved to postpone the further discussion thereof

until Wednesday next, at 11 o'clock, and make it the special order for that hour.

Mr. Kelly moved that the Senate adjourn until to-morrow morning 10 o'clock; which was carried.

And the Senate accordingly adjourned.

JANUARY 14th, 1854.

Senate met pursuant to adjournment.

Mr. Dickinson presented a petition; which was referred to the Committee on Sixteenth Sections.

A message was received from the Governor, informing the Senate that the Hon. E. D. Tounes had resigned the office of chancellor of the northern division of chancery, to take effect on the 15th day of February next.

Mr. Malone, from the Committee on Education, reported favorably on the bill for the relief of the deaf and dumb in this state.

The bill was ordered to a third reading. Yeas 22, Nays 7.

Those who voted in the affirmative are:

Messrs. President, Acklen, Ashley, Baker, Blake, Clanton, Cocke, Crenshaw, Dickinson, Hendricks, Hobdy, H. C. Jones, Kelly, Kimball, Lamar, Malone, Patton, Peterson, Powell, Watts, Webb and Woodward.

Those who voted in the negative are:

Messrs. Bradford, Brindley, Frazier, Gay, Hewlett and E. P. Jones.

Mr. Malone reported favorably on the bill to incorporate the Tuskegee Female College, and the bill was ordered to a third reading.

Mr. Webb made the following

REPORT:

The Committee on the Sixteenth Section Fund, to whom was referred the petition of the citizens of township 5, Range 2, west, of the county of Madison, have considered the same and directed me to report that it would be inexpedient to grant the prayer of the petitioners by legislating on the subject.

The petitioners allege that the assent of the voters in the township was given to a sale of their land under the belief that the commissioners in that township would be permitted to manage the funds arising from the sale of their land.

Your committee are not advised by whom this expectation was created, or for what purpose. The government of the United States, by whom the sixteenth section in each township in this State was donated to the inhabitants of the township for the use of schools, made no provision by the terms of the grant by which the lands were to be disposed of, or the specific method for the carrying into execution the purposes of the grant; but left that subject to

the action of the general assembly of the State of Alabama. By virtue of this power, the general assembly have, from time to time, passed such laws as in its wisdom would best promote the interest of those who were entitled to a portion of the fund, by permitting the inhabitants of the township to determine by vote whether they would order a sale of their lands; and whenever they so determined, it has been the purpose of the legislature to receive the payment of the purchase money according to the terms of the sale, and to allow to the inhabitants of the township the free use of the interest thereon for the purpose of schools, and to preserve the principal undiminished to the inhabitants of the township. By an act of the general assembly, approved March 6th, 1848, for the permanent regulation of the sixteenth section fund, in all cases where the sixteenth section has been sold, the purchase money is required to be paid over to the state treasurer, and the proper officer of the state is required to issue to the commissioners of the township a certificate of the amount in state script, upon which is to be paid an interest semi-annually, at the rate of six per cent., and in this way there is provided a permanent and safe investment of the fund and the punctual payment of the interest thereon, for the faithful payment of which is pledged the wealth and faith of the state.

Your committee do not feel that they are called upon to reply to or make a special report on the particular complaints of the petitioners, as they believe that the same are not well taken, and would raise objections to the policy adopted by the state—nor are they prepared to recommend to the Senate any recision of the enactments of the general assembly on this subject, so long as they continue to operate as they now do, uniformly and productive of good to the people.

J. D. WEBB.

The report was laid on the table.

Mr. Frazier, from the committee on Sixteenth Sections, to whom was referred the petition of citizens of township 20, range 7, in Perry county, reported that the petition asks the passage of a special law authorizing the notes given for the purchase of the sixteenth section in said township to remain in the hands of the judge of probate of said county, under the control of the trustees.

The committee, considering the difficulties and embarrassments, as well as losses in some instances, that have heretofore grown out of the practice of extending payment on sixteenth section notes, believe that the laws authorising and governing the sale of sixteenth sections should be uniform and strictly adhered to.

The committee instruct me to report that it is inexpedient to pass the special law asked for in said petition.

The report was laid on the table.

Mr. Bethea moved to reconsider the vote on ordering the bill to incorporate the Western Rail Road; also the vote on the first amendment.

The hour of 11 having arrived, the Senate proceeded to the consideration of the special order, it being the bill to divide the state into seven congressional districts.

Question pending on the substitute offered by Mr. Webb,

Mr. Webb moved to recommit the bill, with instructions that the committee report a bill laying off the districts upon the Federal Basis, and after some time spent in discussion thereon,

The Senate adjourned until Monday morning, 10 o'clock.

JANUARY 16, 1854.

The Senate met pursuant to adjournment.

Mr. Crenshaw, from the Committee on the Judiciary, to whom was referred the bill authorizing the probate judge of Lowndes county to order a special election for commissioners of roads and revenue for said county, reported a substitute for the bill; which was adopted, and the bill read the third time and passed.

The caption of said bill was also amended.

Mr. Blake, from the same committee, to whom was referred the bill to authorise the holding of a special term of the circuit court of this state in certain cases, reported that the objects of the bill are provided for by the existing law; in which report the Senate concurred.

Mr. Blake reported unfavorably on the bill to pay jurors in Mobile county.

The report and bill were laid on the table.

Mr. Blake reported favorably on the bill for the relief of Wm. Weatherford and others, and the bill was ordered to a third reading.

Mr. Blake reported unfavorably on the bill to confer certain powers on the court of county commissioners of Benton county.

Mr. President (Mr. Malone in the chair) moved to lay the report on the table; which was carried.

The bill was amended by adding the counties of Fayette, Marion, Lauderdale, Dale, Henry, Marshall, DeKalb, Limestone, Morgan, Lawrence, Hancock, Walker, Blount, St. Clair, Pike, Barbour and Randolph.

Mr. Frazier moved to strike out the words " Militia Beat and;" which was carried. Yeas 16, nays 9.

Those who voted in the affirmative, are:

Messrs. Ashley, Bradford, Clanton, Crenshaw, Dickinson, Frazier, Gay, Hendricks, Kelly, Kimball, Lamar, Malone, Patton, Powell, Watts and Webb.

Those who voted in the negative, are:

Messrs. President, Baker, Brindley, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Peterson and Searcy.

Mr. President moved to lay the bill on the table; which was carried.

Mr. Blake reported a bill to provide for the removal of the free

negroes of the State of Alabama, and for other purposes; which was read the first time and ordered to a second reading.

The Senate resumed the consideration of the special order, it being the bill to divide the State into seven congressional districts.

The question pending on the motion of Mr. Webb to recommit the bill with instructions to report a bill districting the State on the Federal Basis.

After much time spent in discussion on said bill,

The Senate adjourned until to-morrow morning 10 o'clock.

JANUARY 17, 1854.

Senate met pursuant to adjournment.

Leave of absence was granted to the Secretary of the Senate for three days.

Mr. Kelly moved that Thomas Harrison be appointed Secretary *pro tem.* during the absence of the Secretary. Carried.

Mr. Blake, from the Committee on the Judiciary, to whom was referred the House bill to provide for payment of notaries public, reported that it is inexpedient to pass said bill.

Concurred in.

Mr. Blake, from the same committee, reported adversely on the bill to amend section 2455 of the code.

The report was laid on the table, and the bill ordered to a third reading.

Mr. Blake, from the same committee, reported an amendment for the House bill to make protests of notaries evidence in certain cases.

The amendment was adopted, and the bill as amended ordered to a third reading.

Mr. Blake, from the same committee, reported that it is inexpedient to pass the House bill in relation to establishing or abolishing the place of voting at election precincts.

On motion of Mr. Baker the report was laid on the table, and the bill referred to a select committee of three.

Mr. President appointed Messrs. Baker, Bradford and Frazier said committee.

Mr. Blake, from the Committee on the Judiciary, reported favorably on the House bill in relation to lives on steam boats and other water craft, and recommended its passage.

On motion of Mr. Bethea, the report and bill were laid on the table.

Mr. Blake, from the Committee on the Judiciary, reported that it is inexpedient to pass the House bill to regulate the sale of real and personal property by executors or administrators.

Mr. Crenshaw moved to lay the report on the table, and moved to amend the bill by striking out all after the first section.

Carried, and the bill ordered to a third reading.

Mr. Patton, from the Committee on Internal Improvement, to

whom was referred the memorial of sundry citizens of Limestone and Morgan counties, in relation to a Central Rail Road, reported the same back to the Senate, and asked leave to be discharged.

The report was received and concurred in.

W. Watts offered the following resolution:

Resolved, That from and after the 18th of this month, the Senate will meet at 10 o'clock and adjourn at half past 1, and will assemble again at 3, p. m., and adjourn at 5 p. m., each day.

Mr. President, (Mr. Cocke in the chair) moved that the resolution be laid on the table. Carried.

Mr. Cocke, introduced a bill to amend an act incorporating a company to construct a plank or rail road from Marion in Perry county, to the Alabama river, approved February, 13th, 1850.

The bill was read the first and second times and referred to the Committee on the Judiciary.

Message from the House by Mr. Elmore:

Mr. President: The House has originated and passed bills of the following titles:

A bill to regulate the harbor master and port wardens of the port of Mobile;

A bill in reference to the fees of the judge of probate of Mobile county, and for other purposes.

A bill defining the boundary of a new election precinct in Jackson county, and for other purposes.

A bill to authorize John E. Whitsitt to erect gates across a road therein named.

A bill to incorporate the Eufaula Insurance Company.

The House has also passed the Senate bill to amend the charter of the town of Huitsville, with an amendment as therein shown.

Mr. Baker introduced a bill to incorporate the town of Opelika; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Baker introduced a bill to pay attorneys for services rendered in cases involving the question of boundary between the States of Alabama and Georgia; which was read the first and second times forthwith, and referred to the Committee on Accounts and Claims.

Mr. Baker introduced a bill authorizing the trustees of township 16 and range 29, in Russell county, to retain the school fund.

Mr. Cocke introduced a bill to authorize the extension of debts now due or to become due to the different sixteenth section funds in this state.

These bills were severally read the first and second times forthwith and referred to the Committee on Sixteenth Sections.

Mr. Powell introduced a bill to incorporate the Hydropathic Medical Institute of Alabama.

Bills introduced:

By Mr. Jemison, to give the state a lien on money belonging to the state in the hands of its agents.

By Mr. Watts, to authorize the sale of personal property for distribution.

By Mr. Watts, to give a lien on horses at livery, for keeping the same.

By Mr. Jemison, to amend and extend the provisions of an act approved 6th of January, 1845.

These bills were severally read the first and second times forthwith, and referred to the Committee on the Judiciary.

By Mr. Kimball, a bill in relation to the holding magistrates' courts in the county of Tallapoosa; which was read the first and second times forthwith, and referred to the Committee on the Judiciary.

Mr. Searcy offered the following resolutions:

1. *Resolved*, That this General Assembly shall adjourn *sine die* on the 13th day of February next.

2. *Resolved*, That no new business shall be introduced after the 11th day of February next.

On motion they were laid on the table.

Bills were introduced:

By Mr. Cocke, for the protection in certain cases of planters and cotton sellers in the State of Alabama.

By Mr. Malone, to repeal sections 3271 and 3272 of the Code of Alabama.

By Mr. Hobdy, to amend section 1354, and repeal a part of section 1361; also, to repeal sections 1369 and 1370 of the code.

By the same, to amend section 2783 of the code.

By Mr. Bethea, to repeal the 5th division of section 738, and the 2d and 3d divisions of section 748 of the code.

These bills were severally read the first and second time forthwith, and referred to the Committee on the Judiciary.

Mr. Bethea introduced a memorial and resolutions relating to the duty on rail road iron; which was read the first and second times and referred to the Committee on Federal Relations.

Mr. Bethea introduced a bill for the relief of John Bell; which was read the first and second times.

Mr. Watts moved to amend as follows:

After the word "deceased," insert "with the consent of the heirs and legatees of said estate;" which was adopted, and the bill as amended was read the third time forthwith, and passed.

Mr. Clanton introduced a bill to authorize the Secretary of State to issue a patent to Wm. A. Campbell of Macon county.

The bill was read the first and second times forthwith, and referred to the Committee on the Judiciary.

Mr. Hewlett introduced a bill to change the chancery districts therein named; which was ordered to a second reading.

Mr. Gay introduced a bill to authorize the Franklin and Oxford Rail Road Company to extend their road into the State of Alabama, and for other purposes; which was read the first and second

times forthwith, and referred to the Committee on Internal Improvement.

Mr. Brindley introduced a bill to burn the bills heretofore issued by the Bank of Alabama and its Branches; which was read and ordered to a second reading.

Mr. Kelly introduced a bill to prevent camp hunting in the counties of Jefferson and Shelby; which was read the first and second times forthwith, and referred to the Committee on Propositions and Grievances.

Mr. Brindley offered the following resolution:

Resolved, That it is the deliberate opinion of the Senate, that they are not justly or legally entitled to mileage or per diem during the recent recess or adjournment.

On motion, the resolution was laid on the table.

Mr. Watts presented the petition of Alfred R. Cook and others, asking the incorporation of an academy on temperance principles; referred to the Committee on the Judiciary.

Mr. Watts presented the petition and account of James G. Carroll, asking pay for money advanced by him for the use of the State.

The petition was read, and the account and petition referred to the Committee on Accounts and Claims.

Mr. Kimball, from the Select Committee, to whom was referred the petition of sundry citizens of Opelika in regard to a rail road, reported a bill to incorporate the Opelika and Talladega Rail Road, according to the prayer of the petitioners.

The bill was read the first and second times and referred to the Committee on Internal Improvement.

The Senate then resumed the consideration of the special order, it being the bill to divide the state into seven congressional districts.

The question being on the motion of Mr. Webb to recommit the bill, with instructions to report a bill districting the State on the federal basis.

After much time spent in discussion on said bill.

The Senate adjourned until to-morrow morning, 10 o'clock.

JANUARY 18, 1854.

The Senate met pursuant to adjournment.

Mr. Cocke, from the Committee on Enrolled Bills, reported as correctly enrolled, the following bills:

A bill to repeal the patrol law in Baldwin county;

A bill to incorporate the Eufaula Plank Road Company;

A bill to authorise the administrator of the estate of Albert Russell, deceased, late of Madison county, to keep said estate together;

A bill to allow pay to jurors in certain cases;

A bill for the relief of L. V. Underwood, guardian of the minor heirs of Wm. T. Harwell, deceased;

A bill for the relief of certain persons therein named ;

Mr. Blake presented the petition of P. J. Weaver and others, asking a charter for a bank in the city of Selma.

On motion, the petition was referred to the Committee on Banks and Banking.

Mr. Blake introduced a bill to authorise Robert H. Lake to practice law in the several courts of this State.

The bill was read and ordered to a second reading.

Mr. Ashley, to whom was referred the bill to prevent camp hunting in the counties of Jefferson and Shelby, reported the same back and recommended its passage.

The bill was ordered to a third reading.

Mr. Ashley, from the Committee on Propositions and Grievances, to whom was referred the petition of sundry citizens in relation to the incorporation of the Bellville Academy, reported a bill in relation thereto.

The bill was read and ordered to a second reading.

Mr. Frazier, from the Committee on Sixteenth Sections, to whom was referred the petition of sundry citizens of township 2, range 1, east, in Madison county, asking for a law giving the citizens of said township privilege to send their children to an adjoining township, reported that a bill embracing the provisions asked had passed the Senate, and that it was inexpedient to legislate further on the subject.

The report was concurred in.

Mr. Frazier, from the same committee, to whom was referred the bill for the relief of the heirs of Emanuel Brewton, deceased, reported that it was inexpedient to pass the bill.

The report was not concurred in.

Mr. Jemison moved to amend the bill by inserting after the word payment, "being legally made and the sale fairly conducted."

The amendment was lost and the bill ordered to a third reading.

A message from the House by Mr. Elmore :

Mr. President: The House has passed a bill of the following title :

To repeal section 2502 of the code, and to modify the statute of limitations ; in which the concurrence of the Senate is requested.

Message from his excellency the Governor, by Mr. Whitfield, his private secretary :

Mr. President: The governor has approved the following bills, which originated in the Senate:

An act to amend the charter of the Mobile and New Orleans Rail Road Company, approved 24th December, 1851;

An act to regulate the fees of the judge of probate of Montgomery county ;

An act relating to the burnt records of Butler county ;

An act to repeal so much of the 3439th section of the code of

laws adopted at the last session of the legislature on the subject of the qualifications of jurors as relates to their ability to read and write;

An act to amend the charter of the Bank of Mobile;

The memorial of the general assembly of the State of Alabama to the Congress of the United States, asking an appropriation for improving the navigation of Mobile bay.

Mr. Webb, from the Committee on Enrolled Bills, reported as correctly enrolled, the following bills:

A bill supplemental to an act entitled an act for the permanent location of the county site of Washington county;

A bill to divorce Mary C. Waters from Johnathan P. Waters;

A bill to repeal in part the patrol law in the counties of Marshall, Cherokee, DeKalb and others;

A bill to amend the charter of the city of Tuscaloosa;

Joint resolutions in relation to the inauguration of the governor elect.

Mr. Hewlett, from the Committee on Federal Relations, to whom was referred resolutions in relation, reported a memorial and resolutions; which was read ordered to a second reading.

Mr. President announced that the hour had arrived for taking up the special order, it being the bill to divide the state into seven congressional districts.

On motion, the special order was suspended.

A message from the House, by Mr. Elmore:

Mr. President: The House has passed a bill of the following title:

To repeal so much of the code as prohibits the circulation of bank bills of other states of less denomination than five dollars; also,

Joint resolution to the Georgia legislature in relation to the Wills Valley Rail Road.

Mr. Peterson, from the Committee on Accounts and Claims, to whom was referred the petition of Charles F. Lockhart, reported a bill to compensate him for certain services.

The bill was read.

Mr. Jones of Franklin moved an indefinite postponement of the bill, which was lost; the bill was ordered to a third reading.

Mr. Baker introduced a bill to authorise the governor to issue a patent to John Day, of Russell county, for east half section 20, township 14, range 29; read and ordered to a second reading.

Mr. Cocks introduced a bill to amend the charter of the town of Marion in Perry county; also,

A bill for the relief of King Parker.

The rules being suspended, these bills were severally read the first and second times forthwith and referred to the Committee on the Judiciary.

Mr. Bethea introduced a bill to incorporate the Grand Temple

of Honor of Alabama and its Subordinates ; ordered to a second reading.

Mr. Patton offered the following resolution :

Resolved, That the Committee on State Printing be instructed to enquire into the cause of delay of the printing heretofore ordered by the Senate.

The resolution was adopted.

Mr. McLemore introduced a bill to incorporate the West Point and Tennessee River Rail Road Company ; rule suspended, read twice and referred to the Committee on Internal Improvement.

Mr. Webb presented a joint resolution and memorial to the Congress of the United States, in relation to a claim of James Rumph ; rule suspended, read first, second and third times forthwith and passed.

Mr. Jones of Fayette introduced a bill for the relief of Andrew J. Maddox and others of Marion county ; read first and second times and referred to the Committee on Sixteenth Sections.

Mr. Powell offered the following resolution, which was adopted :

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a law giving compensation to tax assessors for making out their books.

Mr. Baker offered the following resolution :

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of the passage of a law allowing tax collectors commissions or license money ; read and referred to the Committee on Finance.

Mr. Watts offered the following resolution :

Resolved, That the Committee on Finance be instructed to enquire into the expediency of exempting from taxation money hoarded up and not used ; lost.

Mr. Patton renewed his motion to reconsider the vote taken on the House bill, to repeal section 3249 of the code.

The motion prevailed. Yeas 15, Nays 11.

Those who voted in the affirmative are :

Messrs. President, Baker, Blake, Bradford, Brindley, Clanton, Crenshaw, Gay, Hobdy, H. C. Jones, Kimball, Malone, Patton, Powell and Searcy

Those who voted in the negative are :

Messrs. Bethea, Cocke, Dickinson, Frazier, Hendricks, Jemison, Lee, McLemore, Watts, Webb and Woodward.

And then the Senate adjourned until to-morrow morning, 10 o'clock.

JANUARY 19th, 1853.

The Senate met pursuant to adjournment.

Mr. Webb had leave to withdraw the account of Dr. James Rumph accompanying the memorial in relation to the same.

Mr. Webb was excused from further service on enrolled bills, accounts and claims, and finance.

Mr. Blake, from the Committee on the Judiciary, to whom was referred the bill to amend an act to incorporate a company with authority to construct a plank or rail road from Marion to the Alabama river, approved February 13th, 1850, recommended the passage of the bill.

The report was concurred in, and the bill read third time and passed.

Mr. Blake, from the same committee, reported favorably on the bill in relation to holding magistrates' courts in the county of Tallapoosa; concurred in and the bill ordered to be engrossed.

Mr. Webb, from the Committee on the Judiciary, to whom was referred the bill to repeal fifth division of section 738, and second and third divisions of section 748, reported as inexpedient to pass the bill.

The report of the committee concurred in.

Mr. Blake, from the Committee on the Judiciary, to whom was referred the bill for the protection, in certain cases, of planters and cotton sellers in this State, reported the same back to the Senate and recommended its passage.

Mr. Crenshaw moved to amend by adding the word "act" after the word "thus," in the first section.

The amendment was sustained, and,

On motion of Mr. Bethea,

The bill and amendment were laid on the table.

Mr. Blake, from the same committee, to whom was referred the bill to amend and extend the provisions of an act approved 6th January, 18 5, reported the same back without amendment and recommended its passage.

The bill was ordered to be engrossed.

Mr. Blake, from the same committee, reported it inexpedient to pass the bill to repeal the 2783d section of the code.

The report was concurred in.

Mr. Blake, from the same committee, to whom was referred the bill to amend section 1354 and a part of section 1361; also to repeal sections 1369 and 1370 of the code, reported as inexpedient to pass the bill.

The report was concurred in.

Mr. Blake, from the same committee, to whom was referred the report or communication from the grand jury of Marengo county, reported that the committee had nothing to report in relation thereto, and asked to be discharged.

The committee was discharged accordingly.

Mr. Dickinson, from the same committee, to whom was referred the bill to regulate the fees of probate judges, reported a substitute to the original bill, and recommended its passage.

On motion, the original bill, substitute and report were indefinitely postponed.

Mr. Bethea, from the Committee on Internal Improvement, to whom was referred a bill to aid in the construction of a system of internal improvements in this State, reported a substitute for the original bill; which was adopted and 133 copies of the bill ordered to be printed, and that the same be made the special order for Tuesday next, at 11 o'clock.

Message from the House, by Mr. Elmore:

Mr. President: The House has passed the following resolution:

Resolved, That with the concurrence of the Senate the two Houses will meet in convention in the representative hall on Friday the 20th instant, at 11 o'clock, for the purpose of electing Trustees of the University of Alabama, in the first, second and third, fourth, seventh and ninth circuits.

Mr. Cocke, from the Committee on Enrolled Bills, reported as correctly enrolled, the following bill:

A bill to emancipate a certain slave therein named.

Mr. President appointed Messrs. E. P. Jones, Kelly and Brindley in addition to the present Committee on Enrolled Bills.

Message from the House by Mr. Elmore:

Mr. President: The House has passed bills of the following titles:

To repeal in part an act to increase the pay of jurors in certain cases therein named, approved 21st December, 1837;

A bill to legalize a certain marriage therein named;

A bill for the relief of the treasurer of Autauga county;

A bill to authorise the apportioner of different districts of Pickens county to appoint overseers, and for other purposes;

To amend the road law in the counties of Pickens, Autauga, Dale, Henry and Dallas;

To aid the Southern Military Academy of Chambers county;

To compensate Jesse Comelander;

To repeal in part an act to regulate the corporation of the town of Hayneville, approved, February 5th, 1852;

Requiring justices of the peace and constables in Lowndes county, in their respective beats, to act as apportioners and supervisors of roads, and for other purposes;

To consolidate the offices of judge of probate and clerk of the circuit court of Hancock county;

For burial expenses in Pickens county;

To authorise Lewis Golson, administrator in right of his wife, to remove certain property to Autauga county;

To authorise Lewis Alexander, judge of probate in Macon county, to act as guardian;

In relation to the taxes in Mobile county;

To authorise the administrator of Wm. C. Wright, deceased, to take out letters of administration on his estate in Montgomery county;

To change the name of James Martin of Mobile;

To establish a company beat with less than forty privates in Blount county, and for other purposes;

To establish a medical board in the county of Russell;

To protect the health of the town of Geneva and Elba in Coffee county;

To authorise David Clopton, administrator of John Trafford, deceased, to sell real estate belonging to said deceased; which estate has escheated;

Also, joint resolutions proposing a cession of West Florida to Alabama;

And the Senate bills

To provide a set of weights for the counties of Butler and Madison;

To provide township maps for the county of Butler;

To pay jurors in the county of Chambers;

For the relief of Thomas Golden, of Madison county;

To emancipate a certain slave therein named;

The House concurs in the amendment of the Senate to the House bill, with an amendment as therein shown;

To authorise the judge of probate of Lowndes county to order a special election for commissioners of roads and revenue for said county;

In which the concurrence of the Senate is respectfully solicited.

The Senate then resumed the consideration of the special order, it being the bill to divide the State into seven congressional districts, with the motion of Mr. Webb to recommit the bill with instructions.

Mr. Malone moved to lay on the table; which was lost. Yeas 9, nays 21.

Those who voted in the affirmative, are:

Messrs. Acklen, Frazier, Hendricks, E. P. Jones, Lamar, Malone, Powell, Searcy and Woodward.

Those who voted in the negative, are:

Messrs. President, Ashley, Baker, Bethea, Blake, Bradford, Brindley, Clanton, Cocke, Crenshaw, Gay, Hobdy, H. C. Jones, Kelly, Lee, McLemore, Patton, Peterson, Watts and Webb.

The motion then recurred on the motion of Mr. Webb to recommit the bill, pending which,

The Senate adjourned until to-morrow morning, 9½ o'clock.

JANUARY 20th, 1854.

Senate met pursuant to adjournment.

Mr. Cocke, from the Committee on Enrolled Bills, reported as correctly enrolled:

A bill giving the probate court jurisdiction to compel the executor or administrator of a deceased executor or administrator, power to settle the accounts of his testator or intestate;

A bill to allow the commissioners of section 16, township 4, Covington county certain compensation therein named;

A bill to incorporate the Baptist High School;

A bill to authorise officers to qualify claimants;

A bill for the relief of Dr. Samuel Smith of the city of Tuscaloosa.

Mr. Gay presented the petition of Joseph Shofrer and Elizabeth M. Hart; also, the petition of Thomas Browning; which were referred to the Committee on Propositions and Grievances.

Mr. Blake reported favorably on the bill to amend the charter of the town of Marion, in the county of Perry, and the bill was ordered to be engrossed.

Mr. Blake also reported favorably on the bill for the relief of King Parker.

The report and bill were laid on the table;

Mr. Blake reported unfavorably on the bill authorising the sale of personal property for distribution.

The report was concurred in.

The vote was reconsidered and the bill recommitted.

Mr. Blake reported the bill to appropriate a certain sum therein named to the lessee of the penitentiary, with an amendment.

The report and bill were laid on the table.

Mr. Bethea reported favorably on the bill to amend an act to incorporate the Alabama and Noxubee Rail Road Company.

The report and bill were laid on the table.

Mr. Bethea reported favorably on the bill to incorporate the Opelika and Talladega Rail Road Company.

Mr. Bradford moved to strike out "thirty" in the 17th section and insert "ten;" which was carried, and the bill ordered to be engrossed.

Mr. Bethea reported favorably on the bill to incorporate the West Point, Georgia, and Tennessee River Rail Road Company.

Mr. McLemore moved to strike out "thirty" in the 18th section and insert "ten;" carried and the bill received its third reading forthwith, and passed.

Mr. Baker, from the Committee on the Judiciary, reported favorably on the bill to incorporate the town of Opelika.

The bill was ordered to be engrossed.

Mr. Hendricks, from the Committee on the Military, made the following report:

The Committee on the Military, to whom was referred so much of the Governor's message as relates to the militia and military, have had the same under consideration, and instructed me to report that they do not consider it expedient to abolish the militia system of this State, though they believe the formation of volunteer troops, battallions and regiments should be encouraged.

Your committee have further instructed me to report the accompanying bill, to repeal so much of the military code as requires the Governor to review the militia of the State at least once during his official term, and to reduce the number of company musters as therein shown.

The bill reported by the committee was read the first and second times forthwith, and ordered to be engrossed.

Mr. Crenshaw, from the Committee of Conference, on the bill to exempt certain property from sale by executors and administrators, reported that said committee had agreed upon a substitute for the original bill; that the committee had directed the substitute agreed upon to be reported back to the House of Representatives in which the bill originated, and where the same is now pending and recommended the adoption of the substitute by the two houses.

The report was laid on the table.

The bill from the House to authorize David Clopton, administrator of John Trafford, deceased, to sell the real estate which has escheated;

The bill for the relief of R. W. Clark, tax collector of Cherokee, and John B. Smith of Jefferson county;

The bill to authorize the judge of probate of St. Clair county to sell the land and slaves of Isaac Willingham, deceased; and

The bill to change the time of holding the circuit court in the fourth judicial circuit, were severally read the first, second and third times, and passed.

The Senate concurred in the resolution of the House, proposing to elect trustees for the first, second, third, fourth, seventh and ninth circuits, this day at 11 o'clock.

The bill to ascertain the sense of the people of Coosa county in regard to the permanent location of the county site, &c., was read the first and second times.

Mr. Powell moved to amend by way of proviso; which was adopted.

The bill was read the third time and passed.

The hour of 11 having arrived, the Senate, upon invitation, repaired to the hall of the House for the purpose of electing trustees as agreed upon by resolution.

Edward Baptist was elected for the first circuit; received 112 votes.

Messrs. E. B. King and Felix Tate were in nomination for the second circuit.

Those who voted for Mr. King, are:

Messrs. President, Acklen, Ashley, Baker, Blake, Bradford, Brindley, Clanton, Cocke, Frazier, Gay, Hendricks, Hobdy, Hewlett, Jemison, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Lee, Malone, Powell, Searcy, Watts, Webb and Woodward of the Senate; and Messrs. Speaker, Abercrombie, Allen, Belser, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Cochran, Cole, Comer, Cook, Curry, Findley, Fletcher, Foreman, Gibson, Hanserd, Hatcher, Hays, Henry, Hill, A. Holly, Horn, Inge, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, McCall of Barbour, McCall of Choctaw, Nelms, Newell, Ow-

en, Payne, Phillips, Reynolds, Sanford, St. John, Talbert, Ward and Weaver of the House.

Those who voted for Mr. Tate, are:

Messrs. Bethea, Crenshaw, McLemore, and Patton, of the Senate; and Messrs. Agee, Alldredge, Bell, Clifton, Cowan, Creagh, J. W. Davis, W. P. Davis, Ervin of Wilcox, Garth, Gillam, Goodin, Gordy, R. H. J. Holly, Irwin of Walker, Hubbard, Jay, Lindsey, Meek, Murphy, Pickett, Rhodes, Robinson, Scott, Skelton, Sterrett, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Webb, Whitsitt, Wilkins, Yeldell and Yelverton of the House of Representatives.

Mr. King having received a majority of the votes given, was declared duly elected trustee for the second circuit.

John J. Ormond was elected trustee for the third circuit, he having received 113 votes.

John N. Malone was elected trustee for the fourth circuit, having received 104 votes.

Messrs. Turner Reavis and R. T. Johnston were in nomination for the seventh circuit.

Those who voted for Mr. Reavis, are:

Messrs. President, Baker, Bethea, Blake, Bradford, Brindley, Dickinson, Gay, Hewlett, Jemison, E. P. Jones, Kimball, Malone, Powell, Searcy, Webb and Woodward of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Belser, Benners, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Cochran, Cole, Cook, Creagh, Curry, W. P. Davis, Ervin of Wilcox, Findley, Foreman, Foscue, Garth, Gibson, Gillam, Goodin, Gordy, Hall, Hanserd, Hatcher, Hill, R. H. J. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, Meek, Musgrove, Newell, Owen, Payne, Phillips, Pickett, Reynolds, Rhodes, Robinson, Sanford, Shelly, Skelton, St. John, Sterrett, Talbert, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver, Webb, Whitsitt, Wilkins, Yeldell and Yelverton.

Those who voted for Mr. Johnston, are:

Messrs. Acklen, Clanton, Crenshaw, Frazier, Hendricks, Hobdy, H. C. Jones, Kelly, Lamar, Lee, Patton and Watts of the Senate; and Messrs. Abercrombie, Alldredge, Clifton, Comer, Fletcher, Henry, A. J. Holly, Judge, McCall of Barbour, McCall of Choctaw, Murphy, Nelms, Scott and Ward of the House.

Mr. Reavis having received a majority of the votes given was declared duly elected trustee for the seventh circuit.

Alexander Bowie was elected trustee for the ninth circuit; having received 108 votes.

The Senate returned to its chamber and resumed the consideration of the special order, it being the bill to divide the State into seven congressional districts. The question on the motion of Mr. Webb, to recommit with instructions.

The Senate refused to re-commit the bill. Yeas 14, nays 19.

Those who voted in the affirmative, are:

Messrs. Ashley, Baker, Bethea, Clanton, Cocke, Crenshaw, Jemison, Kimball, Lee McLemore, Peterson, Searcy, Watts and Webb.

Those who voted in the negative are:

Messrs. President, Acklen, Blake, Bradford, Brindley, Dickinson, Frazier, Gay, Hendricks, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Lamar, Malone, Patton, Powell and Woodward.

The question recurred on the adoption of the substitute offered by Mr. Blake.

The Senate refused to adopt the substitute. Yeas 12, nays 20.

Those who voted in the affirmative, are:

Messrs. Baker, Blake, Bradford, Brindley, Frazier, Hendricks, Hewlett, E. P. Jones, Kelly, Malone, Powell and Woodward.

Those who voted in the negative, are:

Messrs. President, Acklen, Ashley, Bethea, Clanton, Cocke, Crenshaw, Gay, Hobdy, Jemison, H. C. Jones, Kimball, Lamar, Lee, McLemore, Patton, Peterson, Searcy, Watts and Webb.

Mr. Watts moved to adjourn until to-morrow morning 10 o'clock; which was lost.

Mr. H. C. Jones moved to amend by way of substitute, as follows:

The first district shall be composed of the counties of Mobile, Washington, Baldwin, Clarke, Monroe, Conecuh, Wilcox, Choctaw, Marengo and Dallas;

The second district of the counties of Lowndes, Butler, Covington, Pike, Coffee, Barbour, Dale and Henry;

The third district of the counties of Sumter, Greene, Perry, Pickens, Tuscaloosa, Jefferson and Fayette;

The fourth district of the counties of Montgomery, Macon, Russell, Tallapoosa, Chambers and Randolph;

The fifth district of the counties of Bibb, Shelby, Coosa, Autauga, Talladega, St. Clair and Benton;

The sixth district of the counties of Madison, Jackson, Marshall, Blount, DeKalb and Cherokee;

The seventh district of the counties of Lauderdale, Franklin, Marion, Lawrence, Limestone, Morgan, Hancock and Walker.

Be it further enacted, That the sheriffs of the counties of Clarke, Pike, Tuscaloosa, Tallapoosa, Shelby, Marshall and Lawrence shall be the returning officers of their respective congressional districts, and the sheriffs of the other counties of their districts shall make returns to the officers above named, as by existing laws they are now directed.

Mr. Jemison moved to lay the substitute on the table; which was carried. Yeas 17, nays 15.

Those who voted in the affirmative, are:

Messrs. President, Ashley, Baker, Bethea, Clanton, Cocke,

Crenshaw, Gay, Hobdy, Jemison, Kimball, Lee, McLemore, Patton, Peterson, Searcy and Watts.

Those who voted in the negative, are:

Messrs. Acklen, Blake, Bradford, Brindley, Frazier, Hendricks, Hewlett, E. P. Jones, H. C. Jones, Kelly, Lamar, Malone, Powell, Webb and Woodward.

The Senate refused to order the bill to be engrossed for a third reading. Yeas 15, nays 17.

Those who voted in the affirmative, are:

Messrs. President, Bethea, Clanton, Cocke, Crenshaw, Gay, Hobdy, Jemison, Kimball, Lee, McLemore, Patton, Peterson, Searcy and Watts.

Those who voted in the negative, are:

Messrs. Acklen, Ashley, Baker, Blake, Bradford, Brindley, Frazier, Hendricks, Hewlett, E. P. Jones, H. C. Jones, Kelly, Lamar, Malone, Powell, Webb and Woodward.

The Senate thereupon adjourned until to-morrow morning 10 o'clock.

JANUARY 21st, 1854.

The Senate met pursuant to adjournment.

Mr. Acklen presented the petition of sundry citizens of Madison county, praying the passage of an anti-liquor law; which was referred to the Committee on Temperance.

Ordered that Messrs. Clanton and Blake have leave of absence.

Mr. Watts presented the account of Harris Hobdy; which was referred to the Committee on Indian Expenditures.

Mr. Hewlett presented the petition of Thomas L. Read and others of Walker county, praying the passage of an anti-liquor law; which was referred to the Committee on Temperance.

M. Watts presented a petition on the same subject; which was referred to the Committee on the Judiciary.

Mr. Blake reported the bill to authorize courts of county commissioners to establish and abolish places of voting in election precincts, with amendments; which were adopted and the bill ordered to a third reading.

Mr. Watts presented the petition of the Tallassee Manufacturing Company; which was referred to the Committee on Finance.

Mr. Woodward introduced a bill to authorize the issuance of garnishments by justices of the peace; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Lamar introduced a bill to aid the Tennessee and Coosa Rail Road; which was read the first and second times and referred to the Committee on Internal Improvement.

Mr. McLemore introduced a bill for the relief of a certain person therein named.

Mr. Hendricks introduced a bill to repeal parts 4, 5, 6 and 7 of section 397 of the code; which were severally read the first time and ordered to a second reading.

Mr. Hendricks introduced a bill to require annual sessions of the general assembly; which was read the first and second times and referred to the Committee on the Judiciary.

The Senate resumed the consideration of the bill to repeal sections 3270, 71 and 72 of the code. The question pending on the passage of the bill,

Mr. Frazier moved to postpone the further consideration of the bill until Saturday next at 12 o'clock, and make it the special order for that hour.

The Senate resumed the consideration of the bill to repeal section 3249, and part of section 397 of the code.

Mr. Jemison moved to strike out section 4 of the code; which was carried. Yeas 17, nays 14.

Those who voted in the affirmative, are:

Messrs. Acklen, Bethea, Cocke, Dickinson, Frazier, Gay, Hendricks, Hobdy, Hewlett, Jemison, Lamar, Lee, Malone, McLemore, Patton, Webb and Woodward.

Those who voted in the negative, are:

Messrs. President, Ashley, Baker, Bradford, Brindley, Crenshaw, E. P. Jones, H. C. Jones, Kelly, Kimball, Peterson, Powell, Searcy and Watts.

Mr. McLemore moved to postpone the bill indefinitely; which was carried. Yeas 17, nays 12.

Those who voted in the affirmative, are:

Messrs. Acklen, Bethea, Cocke, Dickinson, Frazier, Gay, Hendricks, Hewlett, Jemison, Kelly, Lamar, Lee, McLemore, Patton, Watts, Webb and Woodward.

Those who voted in the negative are:

Messrs. President, Ashley, Baker Bradford, Brindley, Crenshaw, E. P. Jones, H. C. Jones, Kimball, Peterson, Powell and Searcy.

The Senate resumed the consideration of the bill to incorporate the Alabama and East Tennessee Rail Road. The question pending on the passage of the bill,

Mr. Jemison moved to amend by engrossed rider, as follows:

SEC.—*And be it further enacted*, That any county, town, or incorporated city, or village, may subscribe to the capital stock of any rail road in this State, as may be sanctioned by the court of county commissioners or municipal authorities of the incorporated town or city, so voting to subscribe to any rail road as aforesaid; all subscriptions under this section shall be governed by the provisions of this act, so far as applicable thereto.

Mr. Baker moved to lay the amendment on the table; which was carried.

Mr. Baker gave notice that he would move to reconsider the vote refusing to order to a third reading the bill to divide the State into seven congressional districts.

The bill to incorporate the Alabama and Tennessee Rail Road Company, was passed. Yeas 15, nays 13.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Baker, Bethea, Bradford, Cocke, Crenshaw, Hendricks, Jemison, Kimball, Lamar, Lee, Malone, Patton and Watts.

Those who voted in the negative, are:

Messrs. Ashley, Brindley, Dickinson, Frazier, Hobdy, Hewlett, E. P. Jones, Kelly, McLemore, Peterson, Searcy, Webb and Woodward.

Mr. Baker moved to reconsider the vote refusing to order to a third reading the bill to divide the State into seven congressional districts.

The vote was reconsidered. Yeas 17, nays 12.

Those who voted in the affirmative, are:

Messrs. Ashley, Baker, Bethea, Cocke Crenshaw, Hobdy, Jemison, H. C. Jones, Kelly, Kimball, Lee, McLemore, Patton, Peterson, Searcy, Watts and Woodward.

Those who voted in the negative are:

Messrs. President, Acklen, Bradford, Brindley, Dickinson, Frazier, Hendricks, Hewlett, E. P. Jones, Lamar, Malone and Powell.

Mr. Bethea moved to reconsider the vote taken on the amendment offered by Mr. H. C. Jones.

The vote was reconsidered.

Mr. President moved that the bill be postponed until Wednesday next, and be made the special order for 12 o'clock of that day; which was lost. Yeas 15, nays 15.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Bradford, Brindley, Dickinson, Frazier, Gay, Hendricks, Hewlett, E. P. Jones, H. C. Jones, Lamar, Malone, Powell and Webb.

Those who voted in the negative, are:

Messrs. Ashley, Baker, Bethea, Cocke, Crenshaw, Hobdy, Jemison, Kimball, Lee, McLemore, Patton, Peterson, Watts and Woodward.

Mr. Watts offered the following resolution:

Resolved, That inasmuch as the Senate has adopted the white basis in arranging districts, the bill and amendment be recommitted with instructions to divide the State into seven congressional districts, as nearly equal in white population as can be formed out of contiguous counties.

The resolution was laid on the table.

Mr. Cocke moved to recommit the bill with instructions to the committee to report on Wednesday next; which was carried. Yeas 16, nays 15.

Those who voted in the affirmative are:

Messrs. President, Acklen, Baker, Bethea, Cocke, Crenshaw, Gay, Hendricks, Jemison, Lamar, Malone, McLemore, Patton, Powell Searcy and Woodward.

Those who voted in the negative are:

Messrs. Ashley, Bradford, Brindley, Dickinson, Frazier, Hob-

dy, Hewlett, E. P. Jones, Kelly, Kimball, Lee, Peterson, Watts and Webb.

The House bills: To amend section 3440 of the code;

To amend sections 3047, 1136, 3046 and 3043 of the code, in their application to the county of Madison;

To provide for the re-survey of the town of Greenville in Butler county;

For the relief of Nancy Pall of Coffee county; and

For the relief of Michael K. Moore and Cromwell H. Moore, were severally read the first time and ordered to a second reading.

The joint resolution on the subject of the boundary line between the States of Alabama and Georgia;

Joint memorial to the Legislature of Georgia on the Wills' Valley Rail Road; and

Joint resolutions proposing a cession of West Florida to Alabama, were severally read the first time and ordered to a second reading.

The bill to amend an act to incorporate the Northern Bank of Alabama, was read the first, second and third times forthwith, and passed.

The bills for the relief of John T. Weaver;

To authorize the summons of witnesses in certain cases in the county of Jackson;

To incorporate the Eufaula Insurance Company;

To repeal section 2502 of the code, and to modify the statute of limitations, were severally read the first time and ordered to a second reading.

The amendment of the House to the bill to amend the charter of the town of Huntsville;

The bill to regulate the harbor master and port wardens of the port of Mobile, was read the first, second and third times, and laid on the table.

The bill in reference to the fees of the judge of probate of Mobile county, was read the first and second times.

Mr. Powell moved to add the county of Coosa; which was carried.

Mr. Hewlett moved to add the county of Walker; which was carried.

Mr. Lee moved to strike out Pickens; which was carried.

The bill was read the third time and passed.

The bills to repeal so much of the code as prohibits the circulation of bank bills of other states of a less denomination than five dollars;

Defining the boundaries of a new election precinct in the county of Jackson;

To authorize John C. Whitsitt to erect gates across a road therein named;

To establish a medical board in the county of Russell;

To establish a company beat with less than forty privates in Blount county;

To change the name of James Martin, of Mobile county;

To authorize the administrator of Wm. C. Wright, deceased, to take out letters of administration on said estate in the county of Montgomery;

In relation to the taxes in Mobile county;

To authorize Lewis Alexander, judge of probate in Macon county, to act as guardian;

To authorize Lewis Gholson to remove certain property to the county of Autauga;

For burial expenses in Pickens county;

To consolidate the offices of judge of probate and clerk of the circuit court in Hancock county;

Requiring justices of the peace and constables in Lowndes county to act as apportioners of roads, &c.;

To repeal in part an act to regulate the town of Fayetteville;

To compensate Jesse Comelander;

To aid the Southern Military Academy in Chambers county;

To authorize the appointment of overseers of roads in Pickens county;

For the relief of the treasurer of the county of Autauga;

To legalize a certain marriage;

To repeal in part an act to increase the pay of jurors in certain counties, &c.;

To amend the road law in the counties of Pickens, Autauga, Dale, Henry and Dallas;

To amend the charter of the Florence and Nashville Rail Road Company;

To incorporate the Pickensville Academy;

For the payment of certain claims against the state;

In relation to the officers of the penitentiary;

To authorize the loan of cadet muskets to a certain academy;

To amend the law imposing a tax for the sale of slaves, were severally read the first time and ordered to a second reading.

The bill to incorporate the Planters' Insurance Company; and

The bill to reduce the number and increase the salaries of the judges of the supreme court, were severally read the first and second times and referred to the Committee on the Judiciary.

The bill for the relief of Lucy Jane Jordan of Coffee county, was read the first, second and third times and passed.

The bill to provide for a geological and agricultural survey of the State, was read the first and second times and referred to the Committee on Agriculture.

And the Senate adjourned until Monday morning 10 o'clock.

JANUARY 23, 1854.

The Senate met pursuant to adjournment.

Mr. Kelly presented a letter from Dr. Daniel Davis; which was referred to the Committee on Sixteenth Sections.

Mr. Baker presented the petition of Ducas Cannady; also, the petition of John O. Bristoe; which were severally referred to the Committee on the Judiciary.

Mr. Crenshaw, from the Committee on Agriculture, to whom was referred the bill to provide for a geological and agricultural survey of the State, reported favorably, and the bill was ordered to a third reading. Yeas 19; nays 9.

Those who voted in the affirmative are:

Messrs. Ashley, Baker, Bethea, Blake, Brindley, Crenshaw, Dickinson, Hobdy, Jemison, H. C. Jones, Kelly, Lamar, Lee, Malone, Patton, Peterson, Powell, Watts and Woodward.

Those who voted in the negative are:

Messrs. President, Acklen, Cocke, Frazier, Hendricks, E. P. Jones, Kimball, Searcy and Webb.

Mr. Peterson introduced a bill for the relief of Elias P. Hodges, guardian, &c.; which was read the first and second times forthwith, and referred to the Committee on the Judiciary.

Mr. Kelly introduced a bill requiring the county treasurer of Jefferson county to collect a certain sum of money therein named; which was read the first and second times forthwith, and referred to the Committee on Sixteenth Sections.

Mr. Webb introduced a bill to prevent the betting at pool tables;

Mr. Watts introduced a bill to authorize the Governor to subscribe for and purchase a map of Alabama, to be published by D. W. Jones; which were severally read the first time and ordered to a second reading.

Mr. Webb offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to report a bill to increase the salaries of the judges of the circuit courts of this State now in office and hereafter to be elected to the same, of two thousand dollars, and to the chancellors the sum of two thousand five hundred dollars.

The resolution was laid on the table.

A message from the House by Mr. Elmore:

Mr. President: The House has adopted the following resolution:

Resolved, That with the concurrence of the Senate, the two houses will assemble in the hall of the House on Wednesday, 25th instant, at 11 o'clock, for the purpose of electing a chancellor for the northern division of the State, to fill the vacancy occasioned by the resignation of the Hon. E. D. Townes, to take effect on the 15th February, 1854; also, for the trustees of the University, to fill the terms expiring in February, 1855, in the first and second circuits; in which the concurrence of the Senate is requested.

Mr. Crenshaw moved to amend the resolution by striking out so much as relates to the election of a chancellor on Wednesday next; which was carried, and the resolution as amended was concurred in.

Mr. Baker introduced a bill to emancipate Sally, Racheal and Sally, slaves of Dorcas Cannedy, of Russell county;

Mr. Cocke introduced a bill to amend an act to aid the Alabama and Mississippi River Rail Road Company; which were severally read the first and second times and referred to the Committee on the Judiciary.

Mr. Cocke introduced a bill to give the election of county treasurer of Perry county to the people of said county.

Mr. Kelly introduced a bill in relation to the sixteenth section fund belonging to the people of Jefferson county; which was read the first and second times and referred to the Committee on Sixteenth Sections.

Mr. Searcy introduced a bill to provide for suits against constables; which was read the first time and ordered to a second reading.

Message from the House by Mr. Elmore—

Mr. President: The House has passed bills of the following titles:

To divorce Elizabeth Simonds from her husband Edmund Simonds;

For the relief of George S. Greene;

To exempt Franklin county from the operation of a certain section of the code;

To authorize the administrator of Richard C. Spann to compromise the bad and doubtful debts of said estate;

In relation to the court of Dallas county;

To provide a record of marks and brands for Washington county;

To amend the charter of the Gainesville Female Academy;

For the relief of Henry Pearson, of St. Clair county;

To authorize the trustees of 16th section, township 17, range 6, east, to substitute certain notes, &c.;

To amend section 917 of the code, relative to pilotage; also,

The Senate bill to amend an act to incorporate a company with authority to construct a plank road or rail road from Marion, in Perry county, to the Alabama river.

The House concurs in the report of the committee of conference on the bill to exempt certain property from sale by executors or administrators; said report was also concurred in by the Senate, and the bills mentioned in the message were severally read the first time and ordered to a second reading.

Mr. Cocke reported as correctly enrolled:

An act to authorize the probate court of St. Clair county to grant an order to sell the real estate of Isaac Willingham, deceased.

The bill to amend an act to incorporate the Alabama and Nox-

ubee, Mississippi Rail Road Company, was taken from the table and ordered to be engrossed.

The Senate proceeded to consider the special order, it being the bill to appropriate certain sums for improvements in the penitentiary.

The vote striking off the first and fifth sections of the bill was reconsidered. Yeas 17, nays 7.

Those who voted in the affirmative are:

Messrs. President, Acklen, Ashley, Baker, Blake, Bradford, Crenshaw, Dickinson, Hendricks, Hobdy, Kimball, Kelly, Malone, Patton, Powell, Watts and Woodward.

Those who voted in the negative are:

Messrs. Brindley, Frazier, E. P. Jones, H. C. Jones, Lee, Peterson and Searcy.

The bill was ordered to be engrossed. Yeas 17, nays 10.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Blake, Bradford, Brindley, Crenshaw, Dickinson, Hobdy, Kelly, Kimball, Patton, Powell, Watts and Webb.

Those who voted in the negative, are:

Messrs. Frazier, Hendricks, Hewlett, E. P. Jones, H. C. Jones, Lee, Malone, Peterson, Searcy and Webb.

The bill to authorize Richard Sanders to remove certain property to Mississippi, and to sell a certain slave therein named, and the report of the Judiciary Committee on said bill, were taken from the table, and the report concurred in.

The bill to authorize Richard Sanders to remove certain property therein named to the State of Mississippi, was taken from the table.

The Senate refused to order the bill to a third reading.

The bill to exempt the county of Russell from section 3271 of the code was taken from the table, and placed amongst the orders of the day.

The engrossed bills:

To amend section 3992 of the code;

To incorporate the Gass Light Company of Selma;

To amend the several acts incorporating the town of Tusculumbia;

To incorporate the Wetumpka Mutual Insurance and Trust Company;

To incorporate the Dog River Manufacturing Company;

To incorporate the Tuskegee Female College;

For the relief of Wm. Weatherford and others;

To amend the charter of the Girard Rail Road Company;

To settle definitely the boundary between the States of Alabama and Georgia, were severally read the third time, and passed.

And the Senate adjourned until to-morrow morning 10 o'clock.

JANUARY, 24th 1854.

The Senate met pursuant to adjournment.

Mr. Blake reported favorably on the bill to repeal section 2706 of the code, and to extend the lien on steamboats, &c.

The bill was ordered to be engrossed.

Mr. Blake reported favorably on the bill to increase the salaries and reduce the number of judges of the supreme court.

Mr. Crenshaw moved to strike out the fourth section; which was lost.

Mr. Lee moved to strike out 3000 and insert 2500; which was lost.

Mr. Peterson moved to strike out 3000 and insert 4000; which was lost.

The bill was ordered to a third reading. Yeas 19, nays 10.

Those who voted in the affirmative are:

Messrs. President, Acklen, Baker, Bethea, Blake, Bradford, Clanton, Cocke, Dickinson, Hendricks, Kimball, Lamar, McLe-more, Patton, Peterson, Powell, Watts, Webb and Woodward.

Those who voted in the negative, are:

Messrs. Brindley, Crenshaw, Frazier, Hewlett, E. P. Jones, H. C. Jones, Kelly, Lee and Searcy.

Mr. Blake, from the Committee on the Judiciary, to whom was referred the bill to incorporate the Planters' Insurance Company, reported the bill with an amendment; which was adopted and the bill ordered to a third reading.

Mr. Blake reported unfavorably on the bill for the relief of Elias G. Hodges, guardian of Sarah J. Hodges.

The report was concurred in.

Mr. Blake reported unfavorably on the bill to repeal section 58 of the code.

The report was concurred in.

Mr. Blake reported the bill to incorporate the Perham Manufacturing Company, with an amendment; which was adopted and the bill ordered to be engrossed.

Mr. Blake reported unfavorably on the petition of John D. Hanly.

Ordered, that the report and petition be laid on the table.

Mr. Blake reported favorably on the bill to define the rights and duties of free persons of color, residing in the State.

The bill was ordered to be engrossed.

Mr. Blake reported the resolution instructing the Judiciary Committee to inquire into the expediency of allowing tax assessors compensation for making out their books, and recommended that the same be referred to the Committee on Finance.

Ordered, that the resolution be so referred.

Mr. Blake reported unfavorably on the bill to authorize the clerk and sheriff of Coffee county to take bonds, &c.

The report was concurred in.

Mr. Webb reported favorably on the bill to increase the salaries of certain officers therein named, with an amendment, as a substitute for said bill; which was adopted.

Mr. Hewlett moved to amend, as follows:

Provided, That the provisions of this act shall only apply to chancellors and circuit judges, hereafter elected or appointed; which was lost. Yeas 11, nays 18.

Those who voted in the affirmative are:

Messrs. President, Bradford, Brindley, Crenshaw, Frazier, Hendricks, Hewlett, E. P. Jones, McLemore, Powell and Searcy.

Those who voted in the negative are:

Messrs. Acklen, Baker, Bethea, Blake, Clanton, Cocke, Dickinson, H. C. Jones, Kelly, Kimball, Lamar, Lee, Malone, Patton, Peterson, Watts, Webb and Woodward.

Mr. H. C. Jones moved to strike out 2250 in the first section and insert 2000.

Mr. Acklen called for a division of the question; which was first taken on striking out.

The Senate refused to strike out, and the bill was rejected. Yeas 13, nays 13.

Those who voted in the affirmative are:

Messrs. Baker, Bethea, Blake, Clanton, Cocke, Dickinson, Kimball, Lamar, Patton, Peterson, Watts, Webb and Woodward.

Those who voted in the negative are:

Messrs. President, Acklen, Bradford, Brindley, Crenshaw, Frazier, Gay, Hendricks, Hewlett, E. P. Jones, H. C. Jones, Kelly, Lee, Malone, McLemore, Powell and Searcy.

Mr. Woodward introduced a bill to establish a medical board in the county of Choctaw; which was read the first, second and third times, and passed.

Mr. Jemison introduced a bill to repeal the third section of an act to regulate the management and expenses of the Bank of the State of Alabama and its Branches; which was read the first and second times and referred to the Committee on Banks and Banking.

Mr. Patton introduced a preamble and joint resolution in regard to the Memphis and Charleston Rail Road; which was read the first, second and third times, and passed.

Mr. Jemison introduced a bill to amend the law in relation to the collection of judgments obtained against administrators or executors; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Cocke introduced a bill to alter in part an act to dispose of the unappropriated portion of the two per cent fund; which was read the first time and ordered to a second reading.

Mr. Searcy introduced a bill to recover from tax assessors the amount of taxes they may wrongfully assess; which was read the first and second times and referred to the Committee on Finance.

Mr. Watts, from the Committee on the Judiciary, to whom was referred the bill to give a lien on horses at livery, for the expenses of keeping the same, reported the same with amendments; which were adopted.

Mr. Jemison moved to amend, as follows:

Be it further enacted, That the lien here given shall extend no further than that given to inn-keepers by the rules of the common law; which was adopted.

The Senate refused to order the bill to a third reading.

Message from the House by Mr. Elmore—

Mr. President: The House has originated and passed bills of the following titles:

To divorce certain persons therein named;

For the relief of Mrs. Elizabeth Jones and others, the securities of Alexander C. Walker;

To incorporate the village of Spring Hill, in the county of Barbour;

To make Nancy J. Graves of Fayette a free dealer;

To exempt millers and sheriffs from road duty in the county of Fayette;

To change the time of holding the courts in the first judicial circuit.

The bills mentioned in the message from the House were severally read the first time and ordered to a second reading.

Mr. Hendricks introduced a bill for the relief of Andrew Poore; which was read the first and second times and referred to the Committee on Accounts.

The account of Mr. Poore was referred to the same committee.

Mr. Jemison presented the account of S. D. Watson; which was referred to the Committee on Accounts.

Mr. Watts presented the petition of Messrs. Robinson and Wyatt, of Autauga county; which was referred to the Committee on Roads, Bridges and Ferries.

The bill for the relief of King Parker, was taken from the table and ordered to be engrossed.

The bill to amend an act to incorporate the Mobile and New Orleans Rail Road, was read the first, second and third times, and passed.

The bill to alter the commencement of the fall term of the eighth judicial circuit; and

The bill for the relief of the deaf and dumb in this State, were severally read the third time, and passed.

The special order, it being the bill to aid in establishing a system of internal improvement in this State, was postponed until Thursday next at 11 o'clock.

The engrossed bills:

To amend and extend the provisions of an act, approved 6th January, 1843;

To amend the military laws of the State of Alabama; and
 To amend the charter of the town of Marion, in the county of Perry, were severally read the third time, and passed.

The bill authorizing courts of county commissioners to establish, abolish, or change the places of voting in election precincts, was read the third time.

Mr. Baker moved to add the words "alter or abolish" after the word "change" by way of engrossed rider.

The amendment was adopted and the bill passed.

The engrossed bills:

To incorporate the town of Opelika;

For the relief of the heirs of Emanuel Brewton of Conecuh county;

To make protests of notaries and other authorized persons evidence in certain cases;

To provide for certain fees to notaries public;

To regulate the sale of real and personal property by executors and administrators;

To prevent camp hunting in the counties of Shelby and Jefferson;

Further to amend the charter of the Mobile Navigation and Insurance Company;

To incorporate the Brewersville Male and Female Academy, were severally read the third time, and passed;

The bill to appoint additional surveyors in certain cases, was read the third time and rejected;

The bill to attach David Seabers of Benton county to precinct No. 1, was read the third time, and rejected.

This vote was reconsidered and the bill passed.

The bill to increase the compensation of grand, petit and tales jurors in the county of Macon; and

The bill in relation to holding magistrates' courts in the county of Tallapoosa, were severally read the third time, and passed;

The bill to amend section 2455 of the code, and to prevent the sale of equitable interest, and the shares of distributees before settlement under execution, was read the third time, and rejected.

Yeas 5, nays 21.

Those who voted in the affirmative are:

Messrs. President, Bradford, Cocke, Kelly and Lamar.

Those who voted in the negative are:

Messrs. Acklen, Ashley, Baker, Bethea, Blake, Brindley, Clanton, Crenshaw, Dickinson, Frazier, Hendricks, E. P. Jones, H. C. Jones, Kimball, Lee, Malone, McLemore, Patton, Peterson Powell and Searcy.

The bill to provide for a geological and agricultural survey of the State, was read the third time, and passed. Yeas 17, nays 12.

Those who voted in the affirmative are:

Messrs. President, Ashley, Baker, Bethea, Blake, Brindley,

Clanton, Crenshaw, Dickinson, H. C. Jones, Kelly, Lamar, Lee, Malone, Patton, Peterson, Powell and Watts.

Those who voted in the negative are:

Messrs. President, Acklen, Bradford, Cocke, Frazier, Gay, Hendricks, E. P. Jones, McLemore, Searcy and Webb.

The bill to appropriate certain sums for improvements in the penitentiary, was read the third time, and passed. Yeas 14, nays 13.

Those who voted in the affirmative are:

Messrs. President, Acklen, Baker, Bethea, Blake, Bradford, Brindley, Clanton, Crenshaw, Dickinson, Kimball, Patton Powell and Watts.

Those who voted in the negative are:

Messrs. Cocke, Frazier, Gay, Hendricks, E. P. Jones, H. C. Jones, Lamar, Lee, Malone, McLemore, Peterson, Searcy and Webb.

The bill to authorize the county treasurer to pay over certain funds, &c.; and

The bill to authorize the transfer of a certain cause now pending in the city court of Mobile to the circuit court of said county, were severally read the third time, and passed;

The bill to divorce Elizabeth B. Simonds from Edward Simonds was read the second time and referred to the Committee on Divorce and Alimony;

The bills to provide a record of Marks and Brands for Washington county; and

The bill to exempt Franklin county from the operation of certain sections of the code, were severally read the second time and ordered to a third reading.

The bill for the relief of George S. Greene, was read the second time and referred to the Committee on Propositions and Grievances.

The bill to amend the charter of the Gainesville Female Academy, was read the second time and referred to the Committee on the Judiciary.

The bill for the relief of Hardy Pearson of St. Clair county; and

The bill in relation to the court of Dallas county, were severally read the second time and ordered to a third reading.

The bill to authorize the commissioners of sixteenth section, township 17, range 6, east, to substitute certain notes, was read the second time and referred to the Committee on Sixteenth Sections.

The bill to amend section 917 of the code, relative to pilotage, was read the second time and referred to the Committee on the Judiciary; also,

The bill explanatory of a certain law therein named.

The bill to aid the Southern Military Academy of Chambers

county, was read the second time and referred to the Committee on the Military.

The Senate resumed the consideration of the bill to incorporate the Western Rail Road Company of Alabama; question pending on the amendments,

Mr. Blake moved to postpone the bill until Monday next; which was carried.

The bill for the benefit of the tax assessor of Dale county; and

The bill for the relief of the tax assessor of Randolph county, Tallapoosa county and Cherokee county, were severally read the second time and referred to the Committee on Finance.

And the Senate adjourned until to-morrow morning 10 o'clock.

JANUARY, 25th, 1854.

Senate met pursuant to adjournment.

Mr. President (Mr. Cocke in the chair,) presented the petition of sundry citizens of Benton county, praying the repeal of the law declaring Tallassahatchie creek a public highway; which was referred to the Committee on Propositions and Grievances.

Mr. Ashley presented the petition of Elizabeth Hard and Joseph Shofner, and recommended the same be referred to the Judiciary Committee.

The reference was accordingly ordered.

Mr. Ashley reported favorably on the bill for the relief of Geo. S. Green.

Mr. Kelly moved that the bill be referred to the Committee on the Judiciary; which was carried.

Mr. Frazier introduced a bill to incorporate the town of Larkinsville; which was read the first, second and third times forthwith, and passed.

Mr. Watts introduced a bill for the relief of Matt. Gayle and Wm. T. Minter; which was read the first and second times and referred to the Committee on Finance.

Mr. President (Mr. McLemore in the chair,) introduced a bill declaring Tallassahatchee creek in the county of Benton; which was read the first and second times and referred to the Committee on Propositions and Grievances.

Mr. Watts introduced a bill to increase the compensation of the marshal of the supreme court; which was read the first and second times and referred to the Committee on the Judiciary.

The House bills

To incorporate the Planters' Insurance Company;

To provide a record of brands and marks for Washington county;

To exempt Franklin county from the operations of certain sections of the code, were severally read the third time and passed.

The House bill

To reduce the number and increase the compensation of the

judges of the supreme court, was read the third time and passed.
Yeas 12, Nays 9.

Those who voted in the affirmative, are:

Messrs. Ashley, Baker, Bradford, Blake, Clanton, Hendricks, Kimball, Lamar, Peterson, Watts Webb and Woodward.

Those who voted in the negative, are:

Messrs. Brindley, Crenshaw, Frazier, Gay, E. P. Jones H. C. Jones, Kelly, McLemore and Searcy.

The House bills

In relation to the court in Dallas county; and

For the relief of Harvey Pearson, of St. Clair county, were severally read the third time and passed.

The engrossed bills

To amend the bill to incorporate the Alabama and Noxubee (Miss.) Rail Road Company;

To incorporate the Perham Manufacturing Company;

To repeal section 2706 of the code;

To define the rights, duties and privileges of free persons of color residing in this State, were severally read the third time and passed.

The bill authorising the Governor to issue a patent to John Day, &c., was read the second time and referred to the Committee on Sixteenth Sections.

The bills

To amend section 980 of the code;

To incorporate the Bellville Male and Female Academy;

To incorporate the Grand Temple of Honor of Alabama and its subordinates;

To incorporate the town of Mount Hope in Lawrence county;

In regard to injunctions; and

To incorporate the town of Waterloo in the county of Lauderdale, were severally read the second time and referred to the Committee on the Judiciary.

The bill for the relief of Edna Hooker of Montgomery county, was read the second time and ordered to be engrossed.

The bill to amend an act to incorporate the North-east and South-west Alabama Rail Road Company, was read second time and referred to the Committee on Internal Improvement.

The bill to provide for the removal of the free negroes of color from the State of Alabama, was read the second time and ordered to be engrossed.

The bill for the relief of John T. Weaver, was read the second time and referred to the Committee on Propositions and Grievances.

Message from the House by Mr. Elmore, informing the Senate that the House concurs in the amendment of the Senate, to the resolution proposing to elect a Chancellor and two Trustees this day.

Joint resolutions proposing a cession of West Florida to Alabama, were read the second time and referred to the Committee on Federal Relations.

The bill to establish a medical board in the county of Russell, was read the second time and ordered to a third reading.

The bill to authorise John C. Whitsitt to erect gates across a road therein named, was read the second time and referred to the Committee on Roads, Bridges and Ferries.

The bill to change the name of James Martin of Mobile county, was read the second time and referred to the Committee on the Judiciary.

The bill to establish a company beat with less than forty privates; was read the second time and referred to the Committee on the Military.

The bill to authorise the administrator of Wm. C. Wright, deceased, to take out letters of administration in Montgomery county, was read the second time and referred to the Committee on the Judiciary; also,

The bill to authorise Lewis Golson to remove certain property to Autauga county.

The bill in relation to the taxes in Mobile county, was read the second time and referred to the Committee on Finance.

The bill for the relief of Michael K. Moore and Cromwell H. Moore, was read the second time and ordered to a third reading.

The joint resolution to the legislature of Georgia was read the second time and referred to the Committee on Federal Relations.

The bill to authorise Robert H. Lake to practice law in the several courts of this State, was read the second time and ordered to be engrossed.

The bill to authorise the administrator of Richard C. Spann to compromise the bad and doubtful debts of said estate, was read the second time and referred to the Committee on the Judiciary; also,

The bill to amend section 297 of the code.

The bill to extend the time of payment and settlement of the taxes of Sumter county, was read the second and third times and passed.

The bill to compensate Dr. Charles F. Lockhart of Russell county, for certain services, was read the second time.

Mr. Baker moved to strike out "2000" in the first section; which was carried.

Mr. Webb moved to fill the blank with "2500;" which was carried, and the bill ordered to be engrossed. Yeas 15, nays 14.

Those who voted in the affirmative, are:

Messrs. President, Baker, Blake, Clanton, Hendricks, Hewlett, Jemison, Kelly, Kimball, Lee, McLemore, Peterson, Searcy, Watts and Woodward.

Those who voted in the negative, are:

Messrs. Acklen, Ashley, Bradford, Cocke, Crenshaw, Dickin-

son, Frazier, Gay, E. P. Jones, H. C. Jones, Lamar, Malone, Patton and Webb.

A message from the House inviting the Senate into the hall of the House for the purpose of electing trustees for the first and second circuits.

The Senate repaired to the hall of the House, and the two houses proceed to elect Trustees according to the resolution.

Edmund Baptist was elected Trustee for the first circuit.

Messrs. Felix Tate and E. B. King were in nomination for the second circuit.

Those who voted for Mr. King, are :

Messrs. President, Acklen, Cocke, Frazier, Gay, Jemison and Kelly, of the Senate; and Messrs. Bishop, Hays, McCall of Barbour, Newell, Phillips, Sterritt, Talbert and Walker, of the House.

Those who voted for Mr. Tate, are :

Messrs. Ashley, Baker, Bradford, Brindley, Clanton, Crenshaw, Dickinson, Hendricks, Hewlett, E. P. Jones, H. C. Jones, Kimball, Lamar, Lee, Malone, McLemore, Patton, Peterson, Searcy, Watts, Webb and Woodward, of the Senate; and Messrs. Speaker, Abercrombie, Agee, Alldredge, Allen, Belser, Brown, Burnett, Camp, Calhoun, Clifton, Comer, Cook, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Foreman, Foscue, Garth, Gibson, Gillam, Goodin, Gordy, Greene, Hanserd, Henry, Hill, A. Holly, Horn, Hubbard, Humphreys, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, Martin, McBryde, McCall of Choctaw, Meek, Murphy, Musgrove, Nelms, Newman, Odom, Owen, Payne, Pickett, Reynolds, Rhodes, Robinson, Sanford, Scott, St. John, Thornton, Todd, Vest, Walker of Lauderdale, Weaver, Webb, Whitsitt, Wilkins, Yeldell and Yelverton, of the House.

Mr. Tate having received a majority of the votes given, Mr. Speaker declared him duly elected trustee for the University for the second circuit, the term to commence in February, 1855.

The Senate returned to its chamber.

The House bills :

To repeal in part an act for the pay of jurors in certain counties therein named;

For the relief of Leroy Napier;

To repeal so much of the code as prohibits the circulation of small bills, &c.;

To incorporate the village of Spring Hill, in the county of Barbour;

To make Nancy G. Graves, of Fayette county, a free dealer;

To exempt millers and sheriffs of Fayette county from road duty, were severally read the second time and ordered to a third reading.

The bill for the relief of John G. Hall, was read the second time and referred to the Committee on Finance.

The bill to regulate the sale of section 16, township 14, range 24, of Macon county, was read the second time and referred to the Committee on Sixteenth Sections.

The bill to protect the health of the towns of Geneva and Elba, in Coffee county, was read the second time and referred to the Committee on Propositions and Grievances.

The bills to change the time of holding the circuit courts in the first judicial circuit;

For the relief of Mrs. Elizabeth Jones, and others; and

To authorize Lewis Alexander, judge of probate of Macon county, were severally read the second time and referred to the Committee on the Judiciary.

The bill to divorce certain persons therein named, was read the second time and referred to the Committee on Divorce and Alimony.

The bill defining the boundary of a new election precinct in the county of Jackson, was read the second and third times and passed.

The bill to provide for burial expenses in Pickens county, was read the second time and ordered to a third reading.

Mr. Watts moved to reconsider the vote refusing to order the bill to increase the salaries of certain officers therein named to a third reading. Carried.

The vote taken on the amendment of Mr. Hewlett; and

The vote refusing to strike out "2250," and insert "2000," were also reconsidered.

The question recurred to the amendment offered by Mr. Hewlett, and carried.

The question was then on striking out "2250," in the first section, and insert "2000," and carried.

Mr. Hewlett moved to amend by adding after the word "State," in the second section, the words "hereafter to be appointed;" which was carried. Yeas 16, nays 11.

Those who voted in the affirmative, are:

Messrs. President, Bradford, Brindley, Cocke, Frazier, Hewlett, E. P. Jones, H. C. Jones, Kimball, Lamar, Lee, Malone, McLemore, Patton, Peterson and Watts.

Those who voted in the negative are:

Messrs. Acklen, Ashley, Baker, Blake, Clanton, Crenshaw, Hendricks, Kelly, Searcy, Webb and Woodward.

The bill was ordered to be engrossed. Yeas 16, nays 11.

Those who voted in the affirmative are:

Messrs. Ashley, Baker, Bradford, Cocke, Crenshaw, H. C. Jones, Kimball, Lamar, Lee, Malone, McLemore, Patton, Peterson, Watts, Webb and Woodward.

Those who voted in the negative, are:

Messrs. President, Acklen, Blake, Brindley, Clanton, Frazier, Hendricks, Hewlett, E. P. Jones and Kelly.

The House bills:

To consolidate the offices of judge of probate and clerk of the circuit court of Hancock county ;

To repeal in part an act to regulate the town of Fayetteville ;
And to authorize the apportioners in different districts in Pickens county to appoint overseers, &c., were severally read the second time and ordered to a third reading.

The bill requiring justices of the peace and constables in their respective beats in Lowndes county to act as apportioners and supervisors of roads, was read the second time and referred to a select committee composed of Messrs. Crenshaw, Watts and Baker.

The bill to compensate Jesse Comelander ; and

The bill to provide for suits against constables, were severally read the second time and referred to the Committee on the Judiciary.

The bill for the relief of the county treasurer of Autauga county, was read the second time and referred to the Committee on Sixteenth Sections.

The memorial and joint resolutions in regard to the public lands, were read the second time and referred to the Committee on Federal Relations.

The bill to give the election of county treasurer of Perry county to the people ; and

The bill for the relief of a certain person therein named, were severally read the second time and ordered to be engrossed.

The bill to exempt the county of Russell from the operation of section 3271 of the code, was read the second time.

Mr. Baker moved to amend as follows:

That the provisions of section 3270 of the Code of Alabama shall not apply to the county of Russell, nor to any citizen of said county ; which was lost.

The Senate refused to order the bill to be engrossed.

The bill to authorize the Governor to purchase a map of Alabama to be published by D. W. Jones, was read the second time and referred to the Committee on the Judiciary.

The bill to confine suits of justices' courts in Henry and Dale to the beats of defendants' residence ; and

The bill to change the chancery district therein named, were severally read the second time and laid on the table.

The bill to burn the bills heretofore issued by the Bank of the State of Alabama and its Branches, was read the second time.

Mr. Malone moved to refer the bill to the Committee on Banks and Banking ; which was lost.

The bill was referred to the Committee on Finance.

The bill to repeal parts 4, 5, 6 and 7, of section 397 of the code, was read the second time and referred to the Committee on the Judiciary.

The bill to prevent the betting at pool tables, was read the second time.

Mr. Baker moved to lay the bill on the table; which was lost. Yeas 22, nays 5.

Those who voted in the affirmative, are :

Messrs. Baker, Blake, Bradford, Crenshaw and Peterson.

Those who voted in the negative, are:

Messrs. President, Ashley, Brindley, Clanton, Cocke, Dickinson, Gay, Hendricks, Hewlett, Jemison, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Lee, Malone, Patton, Watts, Webb and Woodward.

The bill was referred to the Committee on the Judiciary.

The bill to amend the charter of the Florence and Nashville Rail Road Company, was read the second time and referred to the Committee on Internal Improvement.

The bill to incorporate the Eufaula Insurance Company, was read the second time and ordered to a third reading.

The bill to legalize a certain marriage therein named, was read the second time and referred to the Committee on Divorce and Alimony.

The bill to amend the road law in the counties of Pickens, Autauga, Dale, Henry and others, was read the second time.

Mr. Kimball moved to add Tallapoosa county; which was carried.

Mr. Crenshaw moved to add Lowndes county; which was carried, and the bill ordered to a third reading.

The bill to incorporate the Pickensville Academy; and

The bill to amend section 3440 of the code, were severally read the second time and referred to the Committee on the Judiciary.

The bill for the payment of certain claims against the State, was read the second time and referred to the Committee on Accounts.

The bill in relation to the officers of the penitentiary, was read the second time and referred to the Committee on the Penitentiary.

The bill to authorize the loan of cadet muskets to a certain academy, was read the second time and referred to the Committee on the Military.

The bill to amend the law imposing a tax for the sale of slaves, was read the second time and referred to the Committee on Finance.

The bills to provide for the re-survey of the town of Greenville; To amend sections 3047, 1186, 3046 and 3048 of the code, in their application to the county of Madison;

To repeal section 2502 of the code, and to modify the statute of limitations, were severally read the second time and referred to the Committee on the Judiciary.

The joint resolutions on the subject of the boundary between the States of Alabama and Georgia, were read the second time and referred to the Committee on Federal Relations.

The bill for the relief of Mary Pace of Coffee county, was read the second time and referred to the Committee on Propositions and Grievances.

The bill to authorize the summoning of witnesses in certain cases in the county of Jackson, was read the second time and ordered to a third reading.

The bill to alter and change in part an act to dispose of the unappropriated portion of the two per cent. fund, was read the second time and referred to the Committee on Inland Navigation.

And the Senate adjourned until to-morrow morning, 10 o'clock.

JANUARY 26th, 1854.

The Senate met pursuant to adjournment.

Mr. Frazier presented the petition of Mrs. Ward; which was referred to the Committee on Propositions and Grievances.

Mr. Watts, from the Committee on the Judiciary, to whom was referred the petition of Alfred Cook and others, reported a bill to incorporate the Athens Academy, in Montgomery county, which was read the first time and ordered to a second reading.

Mr. Watts, from the same committee, reported unfavorably on the bill to amend the law now in force in relation to the collection of judgments obtained against executors or administrators.

The report was concurred in.

Mr. Frazier, from the Committee on Sixteenth Sections, reported favorably on the bill in relation to the sixteenth section fund in Jefferson county.

Mr. Crenshaw moved to amend the bill by adding Butler and Fayette; which was carried.

Mr. Hendricks moved to add Cherokee; which was adopted, and the bill read a third time and passed.

Mr. Frazier reported unfavorably on the bill for the relief of the county treasurer of Autauga county.

The report was concurred in.

The bill to regulate the harbor master and port wardens of the port of Mobile, was taken from the table and passed.

Mr. Frazier reported unfavorably on the bill to authorize the trustees of section 16, township 17, range 6, east, to substitute certain notes, &c.

Mr. Cocke moved to lay the report on the table; which was carried. Yeas 22, nays 5.

Those who voted in the affirmative are:

Messrs. Acklen, Ashley, Baker, Bradford, Clanton, Cocke, Crenshaw, Dickinson, Hendricks, Hewlett, E. P. Jones, Kelly, Kimball, Lee, Malone, McLemore, Patton, Peterson, Powell, Searcy, Watts and Woodward.

Those who voted in the negative are:

Messrs. Brindley, Frazier, Hobdy, H. C. Jones and Webb.

Mr. Fraaier moved to strike out all after the word, "Fluk n" in the eighth line of the first section.

The Senate refused to strike out, and the bill was ordered to a third reading.

Mr. Malone introduced a bill to maintain a system of free pub-

lic schools in the State of Alabama; which was read the first time and ordered to a second reading.

Mr. McLemore introduced a bill for the payment of a certain claim against the State; which was read the first and second times and referred to the Committee on Accounts.

Mr. Kimball introduced a bill in relation to executors and administrators; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Watts introduced a bill for the relief of Daniel R. Loper, of Montgomery county; which was read the first and second times and referred to Committee on Propositions and Grievances.

Mr. Kimball introduced a bill for the relief of certain persons therein named; which was read the first and second times and referred to the same committee.

Mr. Gay introduced a bill to create an additional regiment in the county of Randolph; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Woodward introduced a bill to repeal section 778 of the code; which was read the first time and ordered to a second reading.

On motion of Mr. Lamar,

Resolved, That the the Committee on Finance be requested to enquire into the expediency of so altering the existing State laws as to direct that the taxes shall be collected in the fall of the year, and report by bill or otherwise.

The amendments of the House to the bill to increase the fees of the clerk of the supreme court, were concurred in.

The memorial of the legislature of Alabama on the subject of a main route between Montevallo and Cattanooga;

The bill to lay off Cherokee and Lauderdale counties into four commissioners' districts; and

The bill to amend the law in relation to pleadings; were severally read the first time and ordered to a second reading.

The hour of 12 having arrived, the Senate resumed the consideration of the bill to aid in establishing a system of internal improvements in this State.

Mr. Bethea moved to amend as follows:

Strike out "sixty" in the tenth line of the first section, and insert "fifty-five."

A division of the question being called for, it was first taken on striking out, and carried.

The question recurred on filling the blank with "fifty-five," and carried.

Mr. Bethea also moved to amend as follows, to come in at the end of section first:

Provided, that the amount of bonds issued under this act shall not exceed three million of dollars, nor shall any company receive exceeding five hundred thousand dollars: *And provided further*, That when application shall be made to the Governor for

aid secured by this act, he may, at his discretion, issue the bonds of this State as herein provided for, or pay out in lieu thereof, to the company or companies making the application, any money in the treasury not otherwise appropriated.

The amendment was adopted. Yeas 17, nays 13.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Bradford, Cocke, Crenshaw, Frazier, Gay, Hendricks, H. C. Jones, Lee, Malone, Patton, Peterson and Watts.

Those who voted in the negative are:

Messrs. Brindley, Clanton, Dickinson, Hobdy, Hewlett, E. P. Jones, Kelly, Kimball, McLemore, Powell, Searcy, Webb and Woodward.

Mr. Bethea moved to strike out section seventeen of the bill; which was carried.

Mr. Watts moved that the Senate do now adjourn till to-morrow morning 10 o'clock; which was lost. Yeas 10, nays 20.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Bethea, Bradford, Frazier, Hendricks, Malone, Patton, Peterson and Watts.

Those who voted in the negative, are:

Messrs. Ashley, Blake, Brindley, Clanton, Cocke, Crenshaw, Dickinson, Gay, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Lee, McLemore, Powell, Searcy, Webb and Woodward.

Mr. Malone moved to strike out the proviso at the end of the tenth section of the bill.

A message from the Governor by Mr. Whitfield, his private secretary:

Mr. President: His excellency the Governor has approved the following bills, which originated in the Senate:

Preamble and joint resolutions asking the legislature of Mississippi to grant to the president and directors of the Memphis and Charleston Rail Road the right of way through a portion of said State:

An act to authorise the judge of probate of Macon county to grant letters of administration on the estate of David Smith, deceased, late of Dallas county.

Preamble and joint resolutions of the general assembly of the State of Alabama to the general assembly of the State of Mississippi.

Mr. President laid before the Senate a communication from Wm. P. Chilton, Geo. Goldthwaite and John D. Phelan, tendering their resignation as judges of the supreme court, to take effect on the first day of February next.

On motion of Mr. Cocke,

Resolved, That the secretary be authorised to employ such assistants as may be necessary to carry on the business of the Senate.

Mr. Bethea moved that the Senate adjourn until to-morrow morning 10 o'clock; which was carried. Yeas 18, nays 12.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Baker, Bethea, Bradford, Clanton, Cocke, Crenshaw, Frazier, Gay, Hendricks, Hobdy, Lamar, Malone, McLemore, Patton, Peterson and Watts.

Those who voted in the negative, are:

Messrs. Ashley, Brindley, Dickinson, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Lee, Powell, Searcy, Webb and Woodward. And the Senate accordingly adjourned.

JANUARY 27th, 1854.

The Senate met pursuant to adjournment.

Mr. Dickinson, from the Committee on Finance, to whom was referred so much of Governor's message as relates to a commissioner to settle the affairs of the State Bank, &c., reported that it was unnecessary to take further action; as the legislature had already passed a law on that subject.

The report was concurred in.

Mr. Dickinson reported unfavorably on the resolution proposing to allow tax collectors commissions on license money.

The report was concurred in.

Mr. Peterson, from the Committee on Accounts, to whom was referred the bill for the payment of a certain claim against the State, reported favorably on the bill; it was read the third time, and passed.

Mr. Dickinson reported favorably on the bill for the benefit of the tax assessor of Dale county, and the bill was ordered to a third reading.

Mr. Dickinson reported favorably on the bill for the relief of the tax assessor of Randolph, Tallapoosa and Cherokee counties.

Mr. Kimball moved to strike out "February" and insert "March;" which was adopted.

The bill was read the third time, and passed.

Mr. Dickinson, from the Committee on Finance, to whom was referred the resolution, directing them to inquire into the expediency of giving compensation to tax assessors for making out their books, reported that it was inexpedient to legislate on the subject.

The report was concurred in.

Mr. Crenshaw, from the Committee on Finance, to whom was referred the bill to provide for the assessment and collection of taxes, reported a substitute in lieu of the original bill.

Mr. Malone moved to amend the substitute by striking out the first section; which was lost. Yeas 6, nays 19.

Those who voted in the affirmative, are:

Messrs. Ashley, Cocke, Jemison, Lamar, Lee and Malone.

Those who voted in the negative, are:

Messrs. President, Acklen, Baker, Brindley, Crenshaw, Dick-

inson, Frazier, Gay, Hendricks, Hobdy, Hewlett, E. P. Jones, Kelly, Kimball, Patton, Peterson, Powell and Watts.

The substitute was adopted and ordered to be engrossed.

Ordered, that leave of absence be granted to Mr. Searcy.

Mr. Dickinson, from the Committee on Finance, reported unfavorably on the bill for the relief of Matt. Gayle and 'Wm. T. Minter.

Mr. Baker offered the following resolution :

Resolved, That with the concurrence of the House the two Houses will assemble in the hall of the House, on Monday the 30th day of this month, at 11 o'clock, a. m., for the purpose of electing one judge of the supreme court of this State, occasioned by the resignation of the Hon. Wm. P. Chilton; also, one to fill the vacancy occasioned by the resignation of the Hon. Geo. Goldthwaite, and also one to fill the vacancy occasioned by the resignation of the Hon. David G. Ligon.

Mr. Bethea moved to strike out "Monday the 30th," and insert "Saturday the 4th" of February; which was carried;

And the resolution, as amended, adopted.

The Senate resumed the consideration of the bill to divide the State into seven congressional districts; question pending on the substitute offered by the committee.

Mr. President (Mr. Malone in the chair) moved to lay the substitute on the table; which was lost. Yeas 15, nays 15.

Those who voted in the affirmative, are :

Messrs. President, Ashley, Baker, Blake, Bradford, Clanton, Cocke, Crenshaw, Hobdy, Jemison, Lee, Patton, Peterson, Watts and Webb.

Those who voted in the negative, are :

Messrs. Acklen, Bethea, Brindley, Dickinson, Gay, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Malone, McLemore, Powell and Woodward.

The substitute was adopted. Yeas 19, nays 13.

Those who voted in the affirmative, are :

Messrs. Acklen, Bethea, Brindley, Clanton, Dickinson, Frazier, Gay, Hendricks, Hobdy, Hewlett E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Malone, McLemore, Powell and Woodward.

Those who voted in the negative, are :

Messrs. President, Ashley, Baker, Blake, Bradford, Cocke, Crenshaw, Jemison, Lee, Patton, Peterson, Watts and Webb.

Mr. Frazier moved to reconsider the vote just taken.

Mr. Watts moved to lay the motion on the table; which was lost. Yeas 8, nays 24.

Those who voted in the affirmative, are :

Messrs. Ashley, Baker Bradford, Crenshaw, Jemison, Lee, Watts and Webb.

Those who voted in the negative are :

Messrs. President, Acklen, Bethea, Blake, Brindley, Clanton,

Cocke, Dickinson, Frazier, Gay, Hendricks, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Malone, McLemore, Patton, Peterson, Powell and Woodward.

Mr. Watts then moved to postpone the bill and the motion to reconsider until to-morrow, at 12 o'clock; which was lost. Yeas 11, nays 21.

Those who voted in the affirmative, are:

Messrs. Ashley, Baker, Blake, Bradford, Cocke, Crenshaw, Jemison, Lee, Peterson, Watts and Webb.

Those who voted in the negative, are:

Messrs. President, Acklen, Bethea, Brindley, Clanton, Dickinson, Frazier Gay, Hendricks, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Malone, McLemore, Patton, Powell and Woodward.

The question recurred on Mr. Frazier's motion to reconsider.

The Senate refused to reconsider the vote. Yeas 11, nays 21.

Those who voted in the affirmative, are:

Messrs. President, Ashley, Baker, Blake, Bradford, Cocke, Crenshaw, Jemison, Lee, Watts and Webb.

Those who voted in the negative, are:

Messrs. Acklen, Bethea, Brindley, Clanton, Dickinson, Frazier, Gay, Hendricks, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Malone, McLemore, Patton, Peterson, Powell and Woodward.

Mr. McLemore moved the previous question; which was sustained. Yeas 21, nays 11.

Those who voted in the affirmative, are:

Messrs. President, Acklen Bethea, Blake, Brindley, Clanton, Dickinson, Frazier, Gay, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Malone, McLemore, Patton, Powell and Woodward.

Those who voted in the negative, are:

Messrs. Ashley, Baker, Bradford, Cocke, Crenshaw, Hendricks, Jemison, Lee, Peterson, Watts and Webb.

The bill was ordered to be engrossed. Yeas 19, nays 13.

Those who voted in the affirmative, are:

Messrs. Acklen, Bethea, Brindley, Clanton, Dickinson, Frazier, Gay, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Malone, McLemore, Patton, Powell and Woodward.

Those who voted in the negative, are:

Messrs. President, Ashley, Baker, Blake, Bradford, Cocke, Crenshaw, Hendricks, Jemison, Lee, Peterson, Watts and Webb.

The Senate resumed the consideration of the bill to aid in establishing a system of internal improvements in this State.

The question pending on the motion of Mr. Malone to strike out the proviso in the tenth section,

The proviso was stricken out. Yeas 15, nays 12.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Blake,

Bradford, Brindley, Clanton, Frazier, Hendricks, Hobdy, Jemison, Lamar and Malone.

Those who voted in the negative, are:

Messrs. Cocke, Crenshaw, Dickinson, E. P. Jones, H. C. Jones, Kelly, Kimball, McLemore, Patton, Watts, Webb and Woodward.

And then the Senate adjourned until to-morrow morning, 10 o'clock.

JANUARY 28th, 1854.

The Senate met pursuant to adjournment.

Mr. Hendricks presented the petition of James Bradford; which was referred to the Committee on Roads, Bridges and Ferries.

Mr. Dickinson, from the Committee on Finance, to whom was referred a resolution directing said committee to inquire into the expediency of so amending the law that taxes shall be collected in the fall of the year, reported that the subject matter was already embraced in a bill before the Senate.

The report was concurred in.

Mr. Dickinson reported the bill for the relief of John G. Hall, with an amendment; which was adopted and the bill ordered to a third reading.

Mr. Dickinson reported unfavorably on the bill to amend the law imposing a tax on the sale of slaves.

The report and bill were laid on the table.

Mr. Hewlett reported favorably on the joint memorial to Congress, in regard to the duty on rail road iron.

The memorial was read the third time, and passed.

Mr. Hewlett reported favorably on the joint resolution in relation to the boundary between the States of Alabama and Georgia.

The resolution was ordered to a third reading.

Mr. Hewlett reported favorably on the joint memorial to the general assembly of Georgia on the Wills' Valley Rail Road.

The memorial was ordered to a third reading.

Mr. Hewlett reported favorably on the joint resolutions in regard to the Coosa and Chattooga Rail Road.

The resolutions were read the third time, and passed.

Ordered, that the Committee on Federal Relations be discharged from the further consideration of the resolution referring so much of the Governor's message as relates to transactions between the State and the General Government; also, in regard to the boundary between Alabama and Georgia.

The Senate resumed the consideration of the report of the Finance Committee on the bill for the relief of Matt. Gayle and Wm. T. Minter, said report being unfavorable.

The Senate refused to concur in the report. Yeas 6, nays 19.

Those who voted in the affirmative, are:

Messrs. Baker, Clanton, Crenshaw, Dickinson, Frazier and Hendricks.

Those who voted in the negative, are:

Messrs. President, Acklen, Ashley, Bethea, Bradford, Cocke, Hobdy, Jemison, E. P. Jones, H. C. Jones, Kelly, Lamar, Malone, McLemore, Peterson, Watts, Webb and Woodward.

The bill was ordered to be engrossed.

Mr. Cocke, from the Committee on Enrolled Bills, reported as correctly enrolled:

A bill to increase the fees of the clerk of the supreme court;

A bill to provide township maps for the county of Butler;

A bill to amend an act to incorporate a company with authority to construct a plank or rail road from Marion, in Perry county, to the Alabama river, approved February 13, 1850;

A bill to subscribe for stock in the Mobile and Girard Rail Road by the city of Mobile;

A bill to provide a set of weights and measures for the counties of Butler and Madison;

A bill for the relief of Lucy Jane Jordan of Coffee county.

Mr. Ashley reported favorably on the bill for the relief John T. Weaver, and it was ordered to a third reading.

Mr. Crenshaw, from the Committee on Finance, reported a substitute for the bill to authorize the transfer and burning of certain bank notes of the State Bank and Branches; which was adopted, and ordered to be engrossed.

Mr. Ashley reported favorably on the bill for the relief of Nancy Pace of Coffee county; which was read the second time and ordered to a third reading.

Mr. Ashley reported favorably on the bill for the relief of Daniel R. Loper; which was ordered to be engrossed.

Mr. Ashley reported favorably on the bill to repeal an act declaring Tallaseehatchee creek, in the county of Benton, a public highway; which was read the third time and passed.

Mr. Ashley reported a bill to incorporate the village of Warrior Stand, in Macon county; which was read the first time and ordered to a second reading.

Mr. Ashley reported unfavorably on the petition of Thomas Browning, asking for lottery privileges; which was concurred in.

Mr. Bethea reported favorably on the bill to amend an act to incorporate the North-East and South-West Alabama Rail Road Company; which was concurred in.

Mr. Baker moved to amend as follows:

Provided, That the provisions of this section shall not be so construed as to authorize the company to open said road through cleared lands one hundred and fifty feet wide; which was adopted, and the bill ordered to be engrossed.

Mr. Bethea reported that it was inexpedient to grant the peti-

tion of P. E. Collins for an act of incorporation to remove obstructions in the Mobile harbor; which was concurred in.

Mr. Bethea reported the bill to incorporate the Alabama River Pilot Association, with an amendment; which was concurred in and ordered to a third reading.

Mr. Watts presented the account of Brittan & DeWolf; which was referred to the Committee on Printing.

Mr. Hendricks reported favorably on the bill to establish a company beat with less than forty privates in Blount county, and for other purposes; which was ordered to a third reading.

Mr. Hewlett reported favorably on the memorial and joint resolution in relation to the public lands; which was ordered to be engrossed.

Mr. Crenshaw reported the bill requiring justices of the peace and constables in their respective beats in Lowndes county to act as apportioners and supervisors of roads with amendments; which were adopted and the bill ordered to a third reading.

Mr. Bethea introduced a bill to amend an act incorporating the Gulf and Atlantic Navigation Company; which was read the first time and ordered to a second reading.

Mr. Webb introduced a bill to provide for the permanent investment of the funds belonging to the several townships in this State for the use of schools; which was read the first and second times and referred to a select committee composed of one from each judicial circuit.

Mr. Crenshaw introduced a bill for the relief of the executors of Jarred Rhodes, deceased, late of Butler county; which was read the first and second times and referred to the Committee on the Judiciary.

On motion of Mr. Malone:

Resolved, That the Committee on Sixteenth Sections be instructed to inquire into the expediency and propriety of loaning to the trustees of LaGrange College the sum of eight hundred dollars out of the funds belonging to the sixteenth sections of the county of Franklin, with leave to report by bill or otherwise.

Mr. Kelly introduced a bill to incorporate the Alabama Coal Mining Company; which was read the first and second times and referred to the Committee on Internal Improvement.

Mr. Lee introduced a bill to amend the law in relation to annual settlements of guardians; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Frazier offered the following resolution:

Resolved, That, with the concurrence of the House, the two houses of the General Assembly will adjourn *sine die* on the 10th day of February next.

Mr. Patton moved to amend the resolution by striking out 10th and inserting 13th; which was carried.

Mr. Bethea moved to postpone the further consideration of the

resolution until the first day of February next; which was lost.—
Yeas 6, nays 22.

Those who voted in the affirmative are:

Messrs. Bethea, Bradford, Cocke, Hewlett, Kimball and Watts.

Those who voted in the negative are:

Messrs. President, Acklen, Ashley, Baker, Clanton, Crenshaw, Dickinson, Frazier, Hendricks, Hobdy, Jemison, E. P. Jones, H. C. Jones, Kelly, Lamar, Lee, Malone, McLemore, Patton, Peterson, Webb and Woodward.

The resolution as amended was adopted. Yeas 24, nays 5.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Baker, Clanton, Crenshaw, Dickinson, Frazier, Gay, Hendricks, Hobdy, Jemison, E. P. Jones, H. C. Jones, Kelly, Lamar, Lee, Malone, McLemore, Patton, Peterson, Webb and Woodward.

Those who voted in the negative, are:

Messrs. Bethea, Bradford, Cocke, Hewlett and Kimball.

On motion of Mr. Patton,

Resolved, That the Committee on Education be respectfully requested to report to the Senate as early as practicable, the bill referred some weeks since, to establish a system of common schools, and to provide a fund for the use of the same.

Mr. H. C. Jones introduced a bill to amend the seventeenth clause of section 39 of the code; which was read the first time and ordered to a second reading.

Mr. Hendricks introduced a bill to establish a medical board in Cherokee county; which was read the first time and referred to the Judiciary Committee.

Mr. Watts introduced a bill to amend section 2029 of the code; which was read the first, second and third times, and passed.

Mr. Hewlett introduced a bill to authorise a special jury in Walker county; which was read the first, second and third times, and passed.

A message from the Governor by Mr. Whitfield, his private secretary:

EXECUTIVE CHAMBER,

January 28, 1853. }

Hon. WM. B. MARTIN,

President of the Senate:

Sir: I return to the Senate; the body in which it originated, the bill to be entitled an act for the relief of Caswell C. Capshaw and William H. Cobb, of St. Clair county.

The constitution of this State divides the powers of government into three distinct departments—legislative, executive and judicial. Article two, section one, and in section two, same article, declares the powers belonging to one shall not be exercised by any other branch of the government.

In article four, section two, the pardoning power, with certain

exceptions, is vested in the executive department of the government.

It would seem that a careful examination of the parts of the fundamental law referred to, would show that the legislative bodies, acting under a desire to relieve persons who may be proper subjects of clemency, have exercised a power vested in another branch of the government.

The power of regulating the manner of the exercise of executive clemency, so as to prevent its abuse, and to have it well defined so as to embrace all citizens alike, does not confer on the legislative department the power to make discrimination between persons accused or convicted of crime. The duty of defining crime and its punishment belongs to the legislative branch. The duty of examining into the character of the offence, and of pronouncing the sentence of the law made by the legislative branch, is, by the constitution, imposed on the judicial department. The duty of seeing the law executed, and of exercising the power of pardoning, belongs to the executive, and to that department alone.

Any attempt to exercise the power of the judicial department of the government would not be more an infringement on the rights of that branch of the government than the exercise of the power to pardon persons convicted or charged with any offence against the penal laws of the land; the power to regulate the manner in which another is to discharge a duty, by no means involves the exercise of that power. It is the prerogative of the legislature to pass general penal laws; it is the duty of the executive to say when an exception to those laws may be made in behalf of any individual.

The constitutional obligation of the exercise, or a denial of mercy, is one of the most painful, delicate and responsible duties imposed on the executive branch of the government, and from which the executive might well shrink. But the framers of the fundamental law acted upon the principle, that for the exercise of such high duties, there should be a fixed individual responsibility. The principle on which they acted was doubtless a wise one, otherwise it may be the business of one legislature to define what crimes are to be penal, and for the next to make individual exceptions, by granting immunity from punishment for crime to particular persons, which is also in conflict with another principle of our constitutional law.

To differ with the legislative branch of the government, is to take a position that the executive would at any time hesitate to do. But while in the discharge of the duties of that office, either in matters of constitutionality or expediency, I shall not shrink from any responsibility the position imposes. In this case, I deny the constitutionality, and doubtless the expediency of relief from the law by which others are to be governed by legislative enactment.

The passage of this bill might induce the parties intended to be

benefitted to rely on its efficiency, when it would be the duty of the judicial tribunal to try the case as though the act had never passed. In which event it would be the duty of the executive to see the laws executed, or to exercise the power conferred on him by the constitution of pardoning them.

These being my sincere convictions as regards the respective power of the legislature and executive branches of the government, and feeling it to be my duty to permit no encroachment on the powers of this branch of the government, I withhold my approval of the bill.

JOHN A. WINSTON.

Mr. President (Mr. Baker in the chair,) moved to postpone the further consideration of the message until Tuesday next, 11 o'clock; which was carried.

And the Senate adjourned till 3½, p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The Senate receded from its amendment to the bill to regulate the sale of real and personal property by executors and administrators.

The Senate refused to recede from its amendment to the bill to make protests of notaries and other authorised persons evidence in certain cases.

The Senate insisted on its first amendment to the bill authorizing county commissioners to establish, abolish or change the places of voting in election precincts, and receded from its last amendment to said bill.

The Senate concurred in the amendment of the House to the bill to amend the charter of the Girard Rail Road Company.

The bill to incorporate the Central Bank of Alabama was read the first and second times and referred to the Committee on Banks and Banking.

The bills

For the relief of Leroy Napier;

To repeal in part an act to increase the pay of jurors in certain counties;

To establish a medical board in the county of Russell;

To give the election of county treasurer of Perry to the people of said county;

To incorporate the village of Spring, in the village of Barbour;

For relief of Michael K. Moore and Cromwell H. Moore;

To authorise the summoning of witnesses in certain cases;

For the benefit of the tax assessor of Dale county;

To make Nancy G. Graves of the county of Fayette, a free dealer;

To exempt millers and sheriffs from road duty in the county of Fayette;

For burial expenses in Pickens county;

To increase the salaries of certain officers therein named;

To incorporate the Eufaula Insurance Company;

To authorise the apportioners of the different districts in Pickens county to appoint overseers;

To repeal in part and regulate the corporation of the town of Fayetteville;

To consolidate the offices of judge of probate and clerk of the circuit court of Hancock county;

The bill to amend the charter of the Gainesville and Mississippi Road Company; were read the first time and ordered to a second reading.

The bill to authorise the administrator of Charles S. Jones, deceased, to sell certain lands, was read the first and second times and referred to Committee on the Judiciary.

The amendment of the House to the bill to amend the charter of the town of Marion, was concurred in.

The bill to authorise the construction of a plank or shell road along the Mobile bay, was read the first and second times, and referred to the Committee on Internal Improvement.

The bill to incorporate the South and North Alabama Rail Road Company, was read the first time and ordered to a second reading.

The bill to authorise the commissioners' court of DeKalb county and others to levy a tax on nine or ten pin alleys, was read the first and second times.

Mr. Baker moved to refer the bill to the Committee on the Judiciary; which was lost.

Mr. Baker then moved to amend by striking out "five hundred dollars per annum," and insert "two years in the penitentiary;" which was carried.

The bill was read the third time and passed. Yeas 20, nays 2.

Those who voted in the affirmative, are:

Messrs. President, Ashley, Bethea, Bradford, Clanton, Crenshaw, Dickinson, Frazier, Gay, Hendricks, Hobdy, E. P. Jones, Kelly, Malone, McLemore, Patton, Watts, Webb and Woodward.

Those who voted in the negative are:

Messrs. Baker and Peterson.

The bill to authorise Allen Jones to erect gates across Green Spring Road, was read the first, second and third times and passed.

The bill to regulate the sessions of the circuit and city courts of Mobile county; and

The bill to incorporate the Greensboro and Uniontown Rail Road Company, was read the first time and ordered to a second reading.

Message from the House by Mr. Elmore:

Mr. President: The House has adopted the following resolution:

Resolved, That with the concurrence of the Senate, the two

houses will assemble in the hall of the House on Wednesday, the first day of February, proximo, at 10 o'clock, to elect three judges of the supreme court, two to take effect from the first day of February, 1854, and one from the first of January, 1855.

The resolution being under consideration, Mr. Bethea moved to strike out Wednesday; which was lost.

Mr. Watts moved to postpone the further consideration of the resolution until Monday next; which was lost. Yeas 20, nays 6.

Those who voted in the affirmative are:

Messrs. President, Ashley, Baker, Bradford, Clanton, Cocke, Dickinson, Gay, Hobdy, Hewlett, E. P. Jones, Kelly, Kimball, Lamar, Malone, McLemore, Powell, Watts, Webb and Woodward.

Those who voted in the negative are:

Messrs. Bethea, Hendricks, H. C. Jones, Lee, Patton and Peterson.

The joint memorial to the Congress of the United States;

The bills, to incorporate the Montevallo Rail Road Company;

To exempt Enoch Albritton from a penalty incurred under section 3095 of the code;

For the relief of Thomas Brown of Lauderdale county, and John Tyler of Jefferson county;

To repeal an act passed and approved on the 9th day of February, 1852;

To incorporate the Livingston Ice House Company, were severally read the first time and ordered to a second reading.

The bill declaring Tallassahatchee creek, in Benton county, a public highway, was read the first, second and third times and passed;

Also, the bill to incorporate the Glennville Rail Road Company.

The bill to incorporate the German Fusileers' Benevolent Society; and

The bill to authorize the executors of Claiborne Myers, deceased, to remove the administration on said estate, were severally read the first time and ordered to a second reading.

The bill making the county surveyor of Benton county elective by the people; and

The bill to provide a lien in behalf of the State in a certain instance, were severally read the first, second and third times and passed.

The bill to incorporate the East and West Alabama Rail Road Company, was read the first and second times and referred to the Committee on Internal Improvement.

The bill to extend the boundaries of the town of Decatur in Morgan county, was read the first and second times and referred to the Committee on the Judiciary.

The bills, to authorize the commissioners' courts of Talladega, Blount and other counties to change or abolish election precincts;

To authorize the holding of special terms of the circuit court in certain cases;

To change the punishment of larceny in certain cases, were severally read the first time and ordered to a second reading.

The bill to divide the State into seven congressional districts, was read the third time and passed. Yeas 17, nays 10.

Those who voted in the affirmative are;

Messrs. Bethea, Clanton, Dickinson, Frazier, Gay, Hendricks, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Malone, McLemore, Patton and Woodward.

Those who voted in the negative are:

Messrs. President, Ashley, Baker, Bradford, Cocke, Crenshaw, Lee, Peterson, Watts and Webb.

The bill to compensate Charles F. Lockhart, of Russell county, for certain services, was read the third time and lost. Yeas 10, nays 14.

Those who voted in the affirmative are:

Messrs. President, Baker, Hobdy, Hewlett, Kelly, Lamar, Lee, McLemore, Peterson and Woodward.

Those who voted in the negative are:

Messrs. Ashley, Bethea, Bradford, Cocke, Crenshaw, Frazier, Gay, Hendricks, E. P. Jones, H. C. Jones, Malone, Patton and Webb.

The bills to incorporate the Montgomery Gas Light Company;

To amend the law in relation to attachments against foreign corporations, were severally read the first and second times and referred to the Committee on the Judiciary.

The bill for the removal of the free negroes of the State of Alabama, was read the third time and passed. Yeas 16, nays 10.

Those who voted in the affirmative are:

Messrs. Ashley, Baker, Clanton, Cocke, Dickinson, Gay, E. P. Jones, H. C. Jones, Kelly, Lee, Malone, Patton, Peterson, Watts, Webb and Woodward.

Those who voted in the negative are:

Messrs. President, Bethea, Bradford, Crenshaw, Hobdy, Hewlett, Kimball, Lamar, McLemore and Powell.

The bill to define the powers of circuit judges in certain cases, was read the first time and ordered to a second reading.

The bill to amend the law in relation to pleadings, was read the second time and laid on the table.

The bill to repeal so much of the Code of Alabama as prohibits the circulation of bank bills of other States of less denomination than five dollars, was read the third time and postponed until Monday next at 11 o'clock, a. m.

The bills to authorize Robert H. Lake to practice law in the several courts of this State;

To change the time of assessing and collecting taxes, and for other purposes;

To authorize the trustees of 16th section, township 17, range 6, east, to substitute certain notes for others heretofore taken, and for

other purposes, for a part of said sixteenth section, were severally read the third time and passed.

The bills for the relief of a certain person therein named;

For the relief of Edna Hooker of Montgomery county, were severally read the third time and passed.

The bill to amend the road law in the counties of Pickens, Autauga, Dale, Henry and Dallas, were read the third time and passed.

The bill to lay off Cherokee and Lauderdale counties into four commissioners' districts, and for other purposes therein mentioned, was read the second time and referred to the Committee on the Judiciary.

The memorial of the Legislature of Alabama on the subject of a mail route between Montevallo and Chattanooga, was read the second time and ordered to a third reading.

The bill for the relief of King Parker, was laid on the table.

The Senate adjourned until Monday morning, 10 o'clock.

JANUARY 30, 1854.

The Senate met pursuant to adjournment.

Mr. Crenshaw presented the petition of Seaborn Kelly;

Mr. E. P. Jones presented the petition of George Brown;

Mr. Hendricks presented the petition of A. G. Burnett and others; which were severally referred to the Committee on Sixteenth Sections.

Mr. Watts, from the Committee on the Judiciary, reported favorably on the bill for the relief of Mrs. Elizabeth Jones and others, and the bill was read the third time and passed.

Mr. Powell reported the bill in relation to the officers of the penitentiary, with an amendment; which was adopted and the bill ordered to a third reading.

Mr. Watts reported unfavorably on the bill to amend section 1372 of the code.

The report was concurred in.

Mr. Dickinson reported unfavorably on the petition of the Tallassee Manufacturing Company.

The report was concurred in.

Mr. Bethea introduced a bill to encourage ship and steam boat building in this State; which was read the first and second times and referred to the Committee on Finance.

Mr. Hendricks introduced a bill for the relief of the executors of Ezekiel Thomas, deceased; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Frazier introduced a bill for the relief of Augustus Lilly, of Jackson county; which was read the first and second times and referred to the Committee on Propositions and Grievances.

Mr. Baker introduced a bill requiring owners of telegraphic wires to place them on one side of the road along which they pass; which was read the first, second and third times and referred to the Committee on the Judiciary.

The amendment of the House to the bill to divide the counties of Choctaw and Jefferson into road districts, was concurred in.

The joint resolutions providing for the pay of the clerk of the Judiciary Committee of the House, was read the first, second and third times and passed.

Also, the bill for the relief of John Benton, sr., of Walker county, was read the first, second and third times and passed.

The bill to repeal section 930 of the code, relative to marking cotton, was read the first and second times and referred to a select committee consisting of Messrs. Jemison, Watts, Bradford, Patton and Peterson.

The House bills:

To fix the pay of the probate judge and sheriff of Dale county;

To regulate the election and compensation of the commissioners of roads and revenue in Covington county;

To regulate the pay of jurors and witnesses in Dale county;

To authorize Melsana J. Lightfoot of Lawrence county, executor, &c., to invest the funds of said estate;

To increase the compensation of commissioners for Russell county and others;

To amend section 3046 of the code;

Relative to the pay of witnesses in State cases, were severally read the first time and ordered to a second reading.

The bill to authorize the county treasurer of Jackson county to pay certain claims, was read the first, second and third times and passed.

The bill for the payment of a certain sum of money to John F. Dill, was read the first and second times and referred to the Committee on Internal Improvement.

The vote refusing to pass the bill for the relief of Charles F. Lockhart of Russell county, was reconsidered and the bill passed. Yeas 14, nays 10.

Those who voted in the affirmative, are:

Messrs. President, Baker, Clanton, Hendricks, Hobdy, Hewlett, Jemison, Kelly, Kimball, Lee, Peterson, Powell, Watts and Woodward.

Those who voted in the negative, are:

Messrs. Acklen, Bethea, Bradford, Crenshaw, Frazier, Gay, E. P. Jones, H. C. Jones, Patton and Webb.

Mr. Cocke, from the Committee on Enrolled Bills, reported as correctly enrolled:

A bill for the relief of Emanuel Brenton of Conecuh county;

A bill to amend the charter of the Girard Rail Road Company;

A bill to amend the military laws of the State of Alabama.

The Senate resumed the consideration of the bill to aid in establishing a system of internal improvements in this State.

Mr. Jemison moved to strike out the words "at either terminus" in the first section; which was carried. Yeas 17, nays 11.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Bethea, Bradford, Cocke, Hewlett, Jemison, Kelly, Lamar, Lee, Malone, Patton, Peterson, Watts, Webb and Woodward.

Those who voted in the negative, are:

Messrs. Baker, Clanton, Crenshaw, Dickinson, Frazier, Gay, Hendricks, Hobdy, E. P. Jones, H. C. Jones and Powell.

Mr. Frazier moved to amend by striking out the ninth section; which was lost. Yeas 5, nays 19.

Those who voted in the affirmative, are:

Messrs. Crenshaw, Frazier, Hobdy, H. C. Jones and Kimball.

Those who voted in the negative, are:

Messrs. President, Acklen, Ashley, Bethea, Clanton, Cocke, Dickinson, Hendricks, E. P. Jones, Kelly, Lamar, Lee, Malone, Patton, Peterson, Powell, Watts, Webb and Woodward.

Mr. Powell moved to amend, as follows; which was lost:

Amend the eight section of the bill by adding thereto the following:

And the board of directors of the said Alabama and Tennessee River Rail Road Company shall have, and they are hereby vested with power to pledge in such form and manner as the board may deem proper all the property, money and effects of the company, and all their rights of every description, including the income of the company in future, or such portion thereof as the board may deem proper as security and indemnity to whomsoever may become bound as sureties, or otherwise, for the removal or payment of the lien aforesaid: *Provided*, that the lien that may be given to such sureties for their indemnity as aforesaid, shall be subordinate to and shall not effect the superior and paramount lien given to the State by virtue of this act.

Mr. Frazier moved to amend, as follows:

Provided, That the provisions of this act shall not be construed to authorize the application of any part of the eight thousand dollars per mile, provided for in this act for the building or equipping in any manner directly or indirectly any road or portion thereof, beyond the limits of this State; which was adopted.

Mr. Crenshaw moved to strike out "two" and insert "four" in section 5; which was carried.

Strike out at the end of "five years after" and insert "upon;" carried.

Mr. Watts moved to amend, as follows:

So far as the same may go towards making up the sum of three millions, and any moneys thus received by such company or companies, shall be appropriated exclusively to the purchase of iron and the laying down of the same on roads in this State, under the pains and penalties hereinafter provided; carried.

Mr. Crenshaw moved to insert the words "or money" after "bonds" in the first line of section two; which was carried.

And the Senate adjourned until to-morrow morning, 10 o'clock.

JANUARY 31st, 1854.

The Senate met pursuant to adjournment.

Mr. Blake, from the Committee on the Judiciary, reported favorably on the bill to amend the charter of the Gainesville Female Academy, and the bill was ordered to a third reading.

Mr. Bethea presented a petition; which was referred to the Committee on Finance.

Mr. Baker reported favorably to require annual sessions of the general assembly.

Mr. Crenshaw moved to amend by striking out "forty five" and insert "forty;" which was carried.

Mr. Crenshaw moved to amend by striking out "1854" and insert "1855;" which was lost.

The Senate refused to order the bill to a third reading. Yeas 10, nays 17.

Those who voted in the affirmative, are:

Messrs. Acklen, Baker, Bethea, Blake, Clanton, Hobdy, Hewlett, Malone, Watts and Webb.

Those who voted in the negative, are:

Messrs. President, Ashley, Bradford, Brindley, Cocke, Crenshaw, Dickinson, Frazier, Gay, E. P. Jones, H. C. Jones, Jemison, Kelly, Kimball, Lamar, Lee, Patton, Peterson and Woodward.

Mr. Blake reported favorably on the bill to authorize purchasers at public sales under decrees of chancery, orders of the probate court, deeds of trust, and mortgages by interested parties.

The bill was ordered to be engrossed.

Mr. Blake reported favorably on the bill to authorize garnishments by justices of the peace; which was adopted, and the bill ordered to be engrossed.

Mr. Blake reported unfavorably on the bill to repeal section 3271 and 3272 of the Code of Alabama; which was laid on the table.

Mr. Blake reported favorably on the bill to modify the act entitled an act to aid the Alabama and Mississippi River Rail Road Company; which was ordered to be engrossed.

Mr. Blake reported unfavorably on the bill to emancipate Sally, Rachael and Sally, slaves of Dorcas; which was concurred in.

Mr. Webb reported the bill to incorporate the Selma Insurance and Trust Company, with amendments; which were concurred in and the bill ordered to be engrossed.

Mr. Webb reported favorably on the bill to prevent the betting at pool tables.

Mr. Jemison moved to amend by inserting "or billiard;" which was adopted.

Mr. Webb moved to amend by inserting in the second section after the word "pool" the words "or billiards;" which was adopted.

The bill was referred to a select committee, composed of Messrs. Bethea, Patton and Webb.

Mr. Watts reported a substitute for the bill to authorize Lewis Golson, in right of his wife, to remove certain property to the county of Autauga; which was ordered to a third reading.

Mr. Watts reported a substitute for the bill to authorize the administrator of Wm. C. Wright, deceased, to take out letters of administration on his estate in the county of Montgomery; which was read the third time, and passed.

The caption was also amended.

The bill to create an additional regiment in Randolph county, was referred to the Military Committee.

Mr. Cocke reported as correctly enrolled:

A bill to legalize a marriage between David Humphreys and Martha Griffin;

A bill to incorporate the Brewersville Male and Female Academy in the county of Sumter;

A bill to incorporate the town of Opelika;

A bill to establish a medical board in the county of Choctaw;

A bill for the relief of Thomas Golden of Madison county;

A bill to repeal section 2461, and to amend 2464 and 2466 of the Code of Alabama;

Joint resolutions for the pay of the clerk of the committee on the Judiciary of the House of Representatives;

A bill to authorize the comptroller of public accounts to settle with the sureties of Wm. B. Campbell, late tax collector of Randolph county;

A bill to authorize the transfer of a certain cause now pending in the city court of Mobile to the circuit court of said county;

A bill in relation to the holding of magistrates courts in the county of Tallapoosa;

A bill to divide the counties of Choctaw and Jefferson into road districts and for other purposes.

Mr. Watts reported favorably on the bills:

To incorporate the town of Waterloo in the county of Lauderdale;

To incorporate the Grand Temple of Honor of Alabama and its subordinates;

In regard to injunctions; which were severally ordered to be engrossed.

Mr. Watts reported favorably on the bill to increase the compensation of the marshal of the supreme court of Alabama; which was ordered to be engrossed.

Mr. Watts reported unfavorably on the bill in regard to executors and administrators; which report was concurred in.

Mr. Watts reported unfavorably on the bill for the purpose of establishing an election precinct in the county of Marion and for other purposes.

Mr. E. P. Jones moved to lay the report on the table; which was carried.

The bill was ordered to a third reading.

Mr. Watts reported unfavorably on the bill to amend section 917 of the Code of Alabama; also,

The bill explanatory of a certain law therein named; which reports were concurred in.

Mr. Watts reported the bill to incorporate the Hydrophatic Medical Institute of Alabama, with an amendment; which was adopted and the bill ordered to be engrossed.

Mr. Watts reported unfavorably on the bills:

To repeal a certain section of the Code therein named;

To exempt certain property from levy and sale; which reports were concurred in.

Mr. Watts reported favorably on the bills:

To incorporate Pickensville Academy;

To amend sections 3047, 1986, 3046 and 3043 of the Code in their application to the county of Madison;

To amend section 3440 of the Code of Alabama; which were ordered to a third reading.

Mr. Watts reported unfavorably on the bill to authorize the administrators of Richard C. Spann to compromise the bad and doubtful debts of said estate; which report was concurred in.

Mr. Watts reported favorably on the bill to authorize Lewis Alexander, judge of probate in the county of Macon, to act as guardian.

The bill was ordered to a third reading.

Mr. Watts reported unfavorably on the bill to give the State a lien on money belonging to the State in the hands of its agents.

The report was concurred in.

Mr. Watts reported favorably on the bill to change the name of James Martin of Mobile county.

The bill was read the third time, and passed.

Mr. Watts reported unfavorably on the bill to repeal parts 4, 5, 6 and 7 of section 397 of the Code.

The report and bill were laid on the table.

Mr. Crenshaw reported unfavorably on the bill to amend section 980 of the Code.

The report was concurred in.

Mr. Watts reported unfavorably on the petition of Jos. Shofner and Elizabeth Hard.

The report and petition were laid on the table.

Mr. Watts reported unfavorably on the bill to authorize the administrator of Charles S. Jones of Jackson county to sell certain lands.

The report was concurred in.

Mr. Watts reported favorably on the bill to change the time of holding the courts in the first judicial circuit.

The report and bill were laid on the table.

Mr. Watts reported favorably on the bill to amend section 397 of the code.

The bill was ordered to a third reading.

Mr. Watts reported the bill to incorporate the Bellville Male and Female Academy, with an amendments.

Mr. Ashley moved to lay the amendments on the table; which was carried.

The bill was ordered to be engrossed.

Mr. Watts reported favorably on the bill to incorporate the town of Mount Hope;

The bill was ordered to be engrossed.

Mr. Watts reported favorably on the bill to repeal section 2502 of the code and to modify the statute of limitations.

The bill was made the special order for Saturday next, at 12 o'clock.

Mr. Cocke reported favorably on the bill for the relief of Jesse Comelander, and the bill was ordered to a third reading.

Mr. Bethea reported favorably on the bill for the payment of a certain sum of money to John F. Dill, for removing obstructions in the Coosa river.

The bill was read the third time and passed. Yeas 27, nays 3.

Those who voted in the affirmative are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Blake, Bradford, Brindley, Clanton, Dickinson, Gay, Hendricks, Jemison, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Lee, Malone, Patton, Peterson, Powell, Watts, Webb and Woodward.

Those who voted in the negative are:

Messrs. Cocke, Crenshaw and Hewlett.

Mr. Bethea reported unfavorably on the bill to alter in part the act to dispose of the unappropriated portion of the two per cent. fund.

The report was concurred in.

Mr. Crenshaw reported a substitute for the bill to amend section 1805 of the code, in relation to annual settlements.

The substitute was adopted and ordered to be engrossed.

Mr. Crenshaw reported a substitute for the bill to authorize the appointment of constables in certain cases.

The substitute was adopted and ordered to be engrossed.

Mr. Bethea reported favorably on the bill to renew the loan of that part of the two per cent. fund loaned to the Montgomery and West Point Rail Road Company.

The bill was read the third time and passed. Yeas 20, nays 16.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Bradford, Clanton, Cocke, Crenshaw, Jemison, Gay, H. C. Jones, Lamar, Lee, Malone, Patton, Powell, Watts, Webb and Woodward.

Those who voted in the negative, are:

Messrs. Blake, Brindley, Frazier, Hobdy, E. P. Jones and Peterson.

Mr. Crenshaw reported a substitute to the bill to amend section 2677 of the code in relation to the petition of Lands.

The substitute was adopted and ordered to be engrossed.

Mr. Cocke reported as correctly enrolled,

A bill to incorporate the "Can't Get Away Club" of Mobile;

A bill in relation to the court of Dallas county;

A bill to provide for the payment of certain fees of notaries public for notices of protests;

A bill to authorise the county treasurer of the county of Jefferson to pay over certain fees and for other purposes;

A bill to exempt Franklin county from the operations of certain sections of the code of Alabama;

A bill to alter the commencement of the fall term of the circuit court in the eighth judicial circuit, for the purpose of allowing an additional week to the county of Pike;

A bill for the relief of Henry Pearson, of St. Clair county;

A bill to increase the compensation of grand, petit and tales jurors in the county of Macon;

A bill to change the time of holding the circuit court in the fourth judicial circuit of the State of Alabama;

A bill to reduce the number and increase the salaries of the judges of the supreme court;

A bill to ascertain the sense of the people of Coosa county in regard to the permanent location of the county site, and to provide for building a court house and jail.

Message from the Governor:

Hon. WM. B. MARTIN,

President of the Senate:

Sir: In compliance with the resolution of the legislature, I appointed James W. Taylor and Robert Jemison, jr., to visit the seat of government of the State of Georgia, for the purpose of obtaining from the authorities of the State the right of way for the North-east and South-west Rail Road. Mr. Taylor has communicated to me a report, the result of his embassy, which I now remit to you to be laid before the Senate.

It will be seen that he has failed in procuring for the work of the State of Alabama that favor and liberality, which it has been the policy of this State to extend to the works projected and favored by our sister, Georgia.

It is with pride and satisfaction, that every citizen of our State can say, that in her intercourse with the different members of this great confederacy, Alabama has never acted on a principle of selfishness or jealousy; but has, on all occasions, been magnanimous and liberal, no matter what course may be adopted by the adjoining States. It will still become us to pursue a line of policy and magnanimity which has always governed us. Fair competition in the rivalry of success is all we ask, let others pursue what course they may. I can but express my regret at the failure of the State of Georgia to meet Alabama in that spirit of courtesy and paternity which has been exercised by us towards them.

JOHN A. WINSTON.

The message, with accompanying documents, was referred to the Committee on Federal Relations.

And the Senate adjourned until to-morrow morning 10 o'clock.

FEBRUARY, 1st, 1854.

Senate met pursuant to adjournment.

A message was received from the House inviting the Senate into the hall of the House for the purpose of electing supreme court judges, according to a joint resolution for that purpose.

The Senate repaired to the hall of the House and the two houses proceed to elect a judge of the supreme court, for the term to commence 2d February, 1854.

Wm. P. Chilton alone being in nomination, and he having received 116 votes, Mr. Speaker declared him duly and constitutionally elected a judge of the supreme court for the term prescribed by the constitution.

The two houses proceeded next to elect another judge of the supreme court, for the term to commence on the 2d day of February, 1854.

George Goldthwaite and Joseph W. Lesesne being in nomination,

Those who voted for Mr. Goldthwaite, are :

Messrs. Acklen, Ashley, Baker, Bethea, Blake, Bradford, Brindley, Clanton, Cocke, Crenshaw, Dickinson, Gay, Hendricks, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Lee, Malone, McLemore, Patton, Powell, Watts, Webb and Woodward, of the Senate; and Messrs. Speaker, Abercrombie, Agee, Belser, Benners, Bishop, Calhoun, Cochran, Cole, Comer, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Farrior, Findley, Foscue, Gibson, Gilbreath, Gillam, Greene, Hanserd, Hatcher, Henry, Hill, R. H. J. Holly, Horn, Humphreys, Inge, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Martin, McBryde, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Newman, Payne, Phillips, Rhodes, Robinson, Rutherford, Scott, Shelly, Sterritt, Talbert, Thornton, Walker of Lauderdale, Watkins, Weaver, Webb, Whitsitt and Yelverton, of the House of Representatives—89.

Those who voted for Mr. Lesesne, are :

Messrs. President, Frazier, Hewlett and Peterson, of the Senate; and Messrs. Alldredge, Allen, Brown, Burnett, Camp, Carroll, Clifton, Creagh, Ervin of Wilcox, Fletcher, Foreman, Garth, Gordy, Hall, Hays, A. Holly, Hubbard, Irwin of Walker, Lindsey, Owen, Pickett, Reynolds, Sanford, Skelton, St. John, Todd, Vest, Walker of Mobile, Ward, Wilkins, Wills and Yeldell, of the House of Representatives—36.

George Goldthwaite having received a majority of all the votes cast, Mr. Speaker declared him duly and constitutionally elected

a judge of the supreme court for the term prescribed by the constitution.

The two houses then proceeded to elect a judge of the supreme court for the term to commence on the first day of January, 1855.

George W. Stone, Samuel F. Rice and John D. Phelan being in nomination,

Those who voted for Mr. Phelan, are:

Messrs. Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, E. P. Jones, Kelly, Kimball, Malone, Patton, Powell, Webb and Woodward, of the Senate; and Messrs. Speaker, Aldredge, Allen, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Gillam, Hanserd, R. H. J. Holly, Hubbard, Humphreys, Inge, Laughinghouse, Lawrence of Fayette, Martin, Newman, Owen, Phillips, Rhodes, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Mobile, Weaver, and Whitsitt, of the House—50.

Those who voted for Mr. Stone, are:

Messrs. Ashley, Bradford, Crenshaw, Gay, Hendricks, Hobdy, and Watts of the Senate; and Messrs. Abercrombie, Agee, Burnett, Calhoun, Cochran, Cook, Curry, Farrior, Fletcher, Foreman, Foscue, Hall, Hatcher, A. Holly and Horn, of the House—22.

Those who voted for Mr. Rice, are:

Messrs. President, Baker, Hewlett, H. C. Jones, Lamar, Lee, McLemore and Peterson, of the Senate; and Messrs. Belser, Bishop, Carroll, Clifton, Comer, Cowan, Creagh, W. P. Davis, Gibson, Gilbreath, Goodin, Gordy, Greene, Hays, Henry, Hill, Lawrence of Cherokee, Lindsey, McCall of Barbour, McCall of Choctaw, Nelms, Pickett, Sanford, Scott, Todd, Walker of Lauderdale, Watkins and Wilkins, of the House—36.

Neither of the candidates having received a majority, the two houses proceeded to ballot a second time.

Those who voted for Mr. Phelan, are:

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, E. P. Jones, Kelly, Kimball, Malone, Patton, Powell, Webb and Woodward, of the Senate; and Messrs. Speaker, Aldredge, Allen, Bell, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Gillam, Hanserd, Hubbard, Humphreys, Inge, Laughinghouse, Lawrence of Fayette, Martin, McCall of Choctaw, Meek, Newman, Owen, Phillips, Rhodes, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Mobile, Weaver and Whitsitt, of the House—50.

Those who voted for Mr. Stone, are:

Messrs. Ashley, Bradford, Crenshaw, Hendricks, Hobdy and Watts of the Senate; and Messrs. Abercrombie, Agee, Burnett, Calhoun, Cochran, Cook, Curry, Farrior, Fletcher, Foreman, Foscue, Hall, Hatcher, A. Holly, Horn, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Shelby, McBryde, Musgrove, Nelms, Newell, Odom, Payne, Reynolds, Robinson, Rutherford, Shelly,

Skelton, Ward, Webb, Wills and Yeldell of the House of Representatives—41.

Those who voted for Mr. Rice, are :

Messrs. President, Baker, Gay, Hewlett, H. C. Jones, Lamar, McLemore, and Peterson of the Senate; and Messrs. Belser, Bishop, Carroll, Clifton, Comer, Cowan, Creagh, W. P. Davis, Gibson, Gilbreath, Goodin, Greene, Hays, Henry, Hill, R. H. J. Holly, Lawrence of Cherokee, Lindsey, McCall of Barbour, Murphy, Pickett, Sanford, Scott, Todd, Walker of Lauderdale, Watkins and Wilkins of the House of Representatives—35.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a third time.

Those who voted for Mr. Phelan, are :

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, E. P. Jones, Kelly, Lee, Malone, Patton, Powell, Webb and Woodward of the Senate; and Messrs. Speaker, Alldredge, Allen, Bell, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Hanserd, Hubbard, Humphreys, Judge, Laughinghouse, Lawrence of Fayette, Martin, McCall of Choctaw, Meek, Newman, Owen, Phillips, Reynolds, Rhodes, St. John, Sterritt, Talbert, Vest, Walker of Mobile, Weaver and Whitsitt, of the House—49.

Those who voted for Mr. Stone, are :

Messrs. Ashley, Bradford, Crenshaw, Hendricks, Hobdy and Watts of the Senate; and Messrs. Abercrombie, Agee, Burnett, Calhoun, Cochran, Cook, Curry, Fletcher, Foreman, Hall, Hatcher, A. Holly, Horn, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Shelby, McBryde, Musgrove, Nelms, Newell, Odom, Robinson, Rutherford, Shelly, Skelton, Thornton, Ward, Webb, Wills and Yeldell of the House—39.

Those who voted for Mr. Rice, are :

Messrs. President, Baker, Gay, Hewlett, H. C. Jones, Kimball, Lamar, McLemore and Peterson of the Senate; and Messrs. Belser, Bishop, Carroll, Clifton, Comer, Cowan, Creagh, W. P. Davis, Foscue, Gibson, Gilbreath, Gillam, Gordin, Gordy, Henry, Hill, R. H. J. Holly, Lawrence of Cherokee, Lindsey, McCall of Barbour, Murphy, Pickett, Sanford, Scott, Todd, Walker of Lauderdale, Watkins and Wilkins of the House—39.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a fourth time.

Those who voted for Mr. Phelan, are :

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, Jemison, E. P. Jones, Kelly, Lee, Patton, Powell, Webb and Woodward, of the Senate; and Messrs. Speaker, Alldredge, Allen, Bell, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Hanserd, Hubbard, Humphreys, Inge, Laughinghouse, Lawrence of Fayette, Martin, McCall of Choctaw, Newman, Owen, Phillips, Reynolds, St. John,

Sterritt, Talbert, Thornton, Vest, Walker of Mobile, Weaver and Whitsitt of the House—48.

Those who voted for Mr. Stone, are:

Messrs. Ashley Crenshaw, Hendricks, Hobdy and Watts of the Senate; and Messrs. Abercrombie, Agee, Burnett, Calhoun, Cochran, Cook, Curry, Farrior, Fletcher, Foreman, Gillam, Hall, Hatcher, A. Holly, Horn, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Shelby, McBryde, Musgrove, Newell, Odom, Payne, Robinson, Rutherford, Shelly, Skelton, Ward, Webb, Wills and Yeldell of the House—38.

Those who voted for Mr. Rice, are:

Messrs. President, Baker Bradford, Gay, Hewlett, H. C. Jones, Kimball, Lamar, McLemore and Peterson of the Senate; and Messrs. Belser, Bishop, Carroll, Clifton, Comer, Cowan, Creagh, W. P. Davis, Foseue, Gibson, Gilbreath, Goodin, Gordy, Greene, Hays, Henry, Hill, R. H. J. Holly, Lawrence of Cherokee, Lindsey, McCall of Barbour, Meek, Murphy, Nelms, Pickett, Rhodes, Sanford, Scott, Todd, Walker of Lauderdale, Watkins and Wilkins of the House—42.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a fifth time.

Those who voted for Mr. Phelan, are:

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, Jemison, E. P. Jones, Kelly, Lee, Malone, Patton, Powell, Webb and Woodward of the Senate; and Messrs. Speaker, Alldredge, Allen, Bell, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Hanserd, Hubbard, Humphreys, Inge, Laughinghouse, Lawrence of Fayette, Martin, McCall of Choctaw, Musgrove, Newman, Owen, Phillips, Reynolds, Rhodes, Sanford, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Mobile, Weaver and Whitsitt of the House—52.

Those who voted for Mr. Stone, are:

Messrs. Ashley, Crenshaw, Gay, Hendricks, Hobdy and Watts of the Senate; and Messrs. Abercrombie, Agee, Burnett, Calhoun, Cochran, Cook, Curry, Farrior, Fletcher, Foreman, Hall, Hatcher, A. Holly, Horn, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Shelby, McBryde, Newell, Odom, Payne, Robinson, Shelly, Skelton, Ward, Webb, Wills and Yeldell of the House—36.

Those who voted for Mr. Rice, are:

Messrs. President, Baker, Bradford, Hewlett, H. C. Jones, Kimball, Lamar, McLemore and Patton of the Senate; and Messrs. Belser, Bishop, Carroll, Clifton, Comer, Cowan, Creagh, W. P. Davis, Gibson, Gilbreath, Goodin, Gordy, Greene, Hays, Henry, Hill, R. H. J. Holly, Lawrence of Cherokee, Lindsey, McCall of Barbour, Meek, Murphy, Nelms, Pickett, Rutherford, Scott, Todd, Walker of Lauderdale, Watkins and Wilkins of the House—40.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a sixth time.

Those who voted for Mr. Phelan, are:

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, Jemison, E. P. Jones, Kelly, Lee, Malone, Patton, Powell, Webb and Woodward of the Senate; and Messrs. Speaker, Alldredge, Allen, Bell, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Hanserd, Hubbard, Humphreys, Inge, Laughinghouse, Lawrence of Fayette, Martin, McCall of Choctaw, Musgrove, Newman, Owen, Phillips, Reynolds, Sanford, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Mobile, Weaver and Whitsitt of the House—51.

Those who voted for Mr. Stone, are:

Messrs. Ashley, Crenshaw, Gay, Hendricks, Hobdy and Watts of the Senate; and Messrs. Abercrombie, Agee, Burnett, Calhoun, Cochran, Cook, Curry, Farrior, Fletcher, Foreman, Hall, Hatcher, A. Holly, Horn, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Shelby, McBryde, Newell, Payne, Rutherford, Shelly, Skelton, Ward, Webb, Wills and Yeldell of the House—36.

Those who voted for Mr. Rice, are:

Messrs. President, Baker, Bradford, Hewlett, H. C. Jones, Kimball, Lamar and Peterson of the Senate; and Messrs. Belser, Bishop, Carroll, Clifton, Comer, Cowan, Creagh, W. P. Davis, Foscue, Gibson, Gilbreath, Gillam, Goodin, Gordy, Greene, Hays, Henry, Hill, R. H. J. Holly, Lawrence of Cherokee, Lindsey, McCall of Barbour, Meek, Murphy, Nelms, Pickett, Rhodes, Robinson, Scott, Todd, Walker of Lauderdale, Watkins and Wilkins—41.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a seventh time.

Those who voted for Mr. Phelan, are:

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, Gay, Jemison, E. P. Jones, Kelly, Kimball, Lee, Malone, Patton, Powell, Webb and Woodward of the Senate; and Messrs. Speaker, Alldredge, Allen, Bell, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Gillam, Hanserd, Henry, Hubbard, Humphreys, Inge, Laughinghouse, Lawrence of Fayette, Martin, McCall of Choctaw, Musgrove, Newman, Owen, Phillips, Reynolds, Rhodes, Sanford, St. John, Sterritt, Talbert, Thornton, Vest, Weaver and Whitsitt of the House—55.

Those who voted for Mr. Stone, are:

Messrs. Ashley, Crenshaw, Hendricks, Hobdy and Watts of the Senate; and Messrs. Abercrombie, Agee, Burnett, Calhoun, Cochran, Cook, Curry, Farrior, Fletcher, Foreman, Hall, Hatcher, A. Holly, Horn, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Shelby, McBryde, Newell, Odom, Payne, Rutherford, Skelton, Ward, Webb, Wills and Yeldell of the House—34.

Those who voted for Mr. Rice, are:

Messrs. President, Baker, Bradford, Hewlett, H. C. Jones, La-

mar, McLemore and Peterson of the Senate; and Messrs. Belser, Bishop, Carroll, Clifton, Comer, Creagh, W. P. Davis, Foscue, Gibson, Gilbreath, Goodin, Gordy, Greene, Hays, Hill, R. H. J. Holly, Lawrence of Cherokee, Lindsey, McCall of Barbour, Meek, Murphy, Nelms, Pickett, Robinson, Scott, Todd, Walker of Lauderdale, Walker of Mobile, Watkins and Wilkins of the House—38.

Neither of the candidates having received a majority, the two Houses proceeded to ballot an eighth time.

Those who voted for Mr. Phelan, are:

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, Jemison, E. P. Jones, Kelly, Lee, Malone, Patton, Powell, Webb and Woodward, of the Senate; and Messrs. Speaker, Aldredge, Allen, Bell, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Hanserd, Henry, Hubbard, Humphreys, Inge, Laughinghouse, Lawrence of Fayette, McCall of Choctaw, Musgrove, Newman, Owen, Phillips, Reynolds, Rhodes, Sanford, St. John, Sterritt, Talbert, Thornton, Vest, Weaver and Whitsitt of the House—51.

Those who voted for Mr. Stone, are:

Messrs. Ashley, Crenshaw, Hendricks and Hewlett, of the Senate; and Messrs. Abercrombie, Agee, Burnett, Calhoun, Cochran, Cook, Curry, Farrior, Fletcher, Foreman, Hall, Hatcher, Hays, A. Holly, Horn, Irwin of Walker, Jay, Judge, Lawrence of Shelby, McBryde, Newell, Odom, Payne, Rutherford, Shelly, Skelton, Ward, Webb Wills and Yeldell, of the House—34.

Those who voted for Mr. Rice, are:

Messrs. President, Baker, Bradford, H. C. Jones, Kimball, Lamar, McLemore, Peterson and Watts, of the Senate; and Messrs. Belser, Bishop, Carroll, Clifton, Comer, Cowan, Creagh, W. P. Davis, Foscue, Gibson, Gilbreath, Gillam, Goodin, Gordy, Greene, Hill, R. H. J. Holly, Lawrence of Cherokee, Lindsey, McCall of Barbour, Meek, Murphy, Nelms, Pickett, Robinson, Scott, Todd, Walker of Lauderdale, Walker of Mobile and Watkins, of the House—39.

Neither of the candidates having received a majority, the two houses proceeded to ballot a ninth time.

Those who voted for Mr. Phelan, are:

Messrs. Acklen, Bethea, Blake, Brindley, Cocke, Dickinson, Frazier, Jemison, E. P. Jones, Kelly, Kimball, Lee, Malone, Patton, Powell, Webb and Woodward, of the Senate; and Messrs. Speaker, Aldredge, Allen, Bell, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Gillam, Hanserd, Hays, Henry, Humphreys, Inge, Laughinghouse, Lawrence of Fayette, Martin, McCall of Choctaw, Meek, Musgrove, Newman, Owen, Phillips, Reynolds, Rhodes, Sanford, St. John, Sterritt, Talbert, Thornton, Vest, Weaver and Whitsitt, of the House—54.

Those who voted for Mr. Stone, are:

Messrs. Ashley, Crenshaw, Hendricks and Hobdy, of the Sen-

ate; and Messrs. Abercrombie, Burnett, Calhoun, Cochran, Cook, Curry, Farrior, Fletcher, Foreman, Hatcher, A. Holly, Horn, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Shelby, McBryde, Newell, Odom, Rutherford, Shelly, Skelton, Ward, Webb, Wills and Yeldell of the House—31.

Those who voted for Mr. Rice, are:

Messrs. President, Baker, Bradford, Gay, Hewlett, H. C. Jones, Lamar, McLemore, Peterson, and Watts, of the Senate; and Messrs. Agee, Belser, Bishop, Carroll, Clifton, Comer, Cowan, Creagh, W. P. Davis, Foscue, Gibson, Gillbreath, Goodin, Gordy, Greene, Hill, R. H. J. Holly, Lawrence of Cherokee, Lindsey, McCall of Barbour, Murphy, Nelms, Pickitt, Payne, Robinson, Scott, Todd, Walker of Lauderdale, Walker of Mobile, Watkins and Wilkins, of the House—41.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a tenth time.

Mr. Stone was withdrawn.

Those who voted for Mr. Phelan, are:

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, Hobdy, Hewlett, Jemison, E. P. Jones, Kelly, Lee, Malone, Patton, Powell, Webb and Woodward, of the Senate; and Messrs. Speaker, Abercrombie, Alldredge, Allen, Bell, Benners, Bishop, Brown, Camp, Calhoun, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Gillam, Hanserd, Hatcher, Henry, A. Holly, Hubbard, Humphreys, Inge, Irwin of Walker, Johnson, Laughinghouse, Lawrence of Fayette, McBryde, Martin, McCall of Choctaw, Musgrove, Newman, Phillips, Reynolds, Rhodes, Sanford, St. John, Sterritt, Talbert, Thornton, Vest, Webb, Whitsitt and Yeldell, of the House—64.

Those who voted for Mr. Rice, are:

Messrs. President, Ashley, Baker, Bradford, Gay, Hendricks, H. C. Jones, Kimball, Lamar, McLemore, Peterson and Watts, of the Senate; and Messrs. Agee, Belser, Burnett, Carroll, Clifton, Comer, Cowan, Cook, Creagh, Curry, W. P. Davis, Farrior, Fletcher, Foreman, Foscue, Gibson, Gillbreath, Goodin, Gordy, Greene, Hall, Hays, Hill, R. H. J. Holly, Horn, Jay, Judge, Lawrence of Cherokee, Lawrence of Shelby, McCall of Barbour, Lindsey, Murphy, Nelms, Newell, Odom, Payne, Pickett, Robinson, Rutherford, Scott, Shelly, Skelton, Todd, Walker of Lauderdale, Ward, Watkins and Wills, of the House—59.

Those who voted for Mr. Stone, are:

Messrs. Crenshaw, of the Senate; and Messrs. Cochran, Meek, Owen, Walker of Mobile, and Wilkins, of the House—6.

Neither of the candidates having received a majority, the two Houses proceeded to ballot an eleventh time.

Joseph W. Lesesne being again in nomination,

Those who voted for Mr. Phelan, are:

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, Hobdy, Hewlett, Jemison, E. P. Jones, Kelly, Lee,

Malone, Patton, Powell, Webb and Woodward of the Senate; and Messrs. Speaker, Abercrombie, Aildredge, Allen, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Hanserd, Hatcher, Henry, Hubbard, Humphreys, Inge, Irwin of Walker, Johnson, Laughinghouse, Lawrence of Fayette, Martin, McBryde, McCall of Choctaw, Musgrove, Newman, Phillips, Sterritt, Talbert, Thornton, Vest, Weaver, Webb and Whitsitt, of the House—59.

Those who voted for Mr. Rice, are:

Messrs. President, Ashley, Baker, Bradford, Crenshaw, Gay, Hendricks, H. C. Jones, Kimball, Lamar, McLemore, Peterson and Watts, of the Senate; and Messrs. Agee, Belser, Bishop, Burnett, Calhoun, Carroll, Clifton, Cochran, Comer, Cowan, Cook, Creagh, Curry, W. P. Davis, Farrior, Fletcher, Foreman, Foscue, Gibson, Gilbreath, Gillam, Goodin, Gordy, Greene, Hall, Hays, Henry, R. H. J. Holly, A. Holly, Horn, Jay, Judge, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, McCall of Barbour, Murphy, Nelms, Newell, Odom, Payne, Pickett, Robinson, Scott, Shelly, Skelten, Todd, Walker of Lauderdale, Ward, Watkins, Wills and Yeldell, of the House—65.

Messrs. Bell, Meek, Walker of Mobile, Owen and Wilkins, of the House, voted for Mr. Lesesne—5.

Mr. Rice having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected a judge of the supreme court for the term prescribed by the constitution, said term to commence on the first day of January, 1855.

The Senate returned to its chamber.

Mr. Gay presented the petition of sundry citizens of Randolph county, in regard to building a jail; which was referred to the Committee on Propositions and Grievances.

Mr. Watts presented the petition of Dr. Holt and others; which was referred to the Committee on the Judiciary.

Mr. Blake reported the bill to incorporate the Montgomery Gas Light Company, with amendments; which was adopted and the bill ordered to a third reading.

Mr. Blake reported the bill to lay off the counties of Cherokee and Lauderdale into four commissioners' districts, with amendments; which was adopted and the bill ordered to a third reading.

A message from the Governor by Mr. Whitfield:

Mr. President: His excellency the Governor has approved the following bills, which originated in the Senate:

An act to subscribe stock in the Mobile and Girard Rail Road by the city of Mobile;

An act to amend the charter of the Girard Rail Road Company;

An act for the relief of the heirs of Emanuel Brewton of Conecuh county;

An act to amend an act to incorporate the town of Florence, approved January 7th, 1826.

Mr. Blake reported favorably on the bill for the relief of Gorge S. Greene, and the bill was ordered to a third reading.

Mr. Bethea reported favorably on the bill to authorise the construction of a plank or shell road along the bay of Mobile.

The bill was read the third time and passed.

Mr. Bethea reported a substitute for the bill to aid the Tennessee and Coosa Rail Road Company; which was adopted and ordered to be engrossed.

Mr. Baker, from the Committee on Indian Expenditures, reported a bill requiring the comptroller to cause to be paid the sum of sixty-five dollars, &c.

The bill was read the first, second and third times forthwith, and passed.

Mr. Baker reported favorably on the bill to amend the law in relation to attachments against foreign corporations; which was ordered to a third reading.

Mr. Baker reported favorably on the bill to extend the boundaries of the town of Decatur in Morgan county, and other purposes; which was ordered to a third reading.

Mr. Cocke, from the Committee on Enrolled Bills, reported, as correctly enrolled:

— A bill to divorce certain persons therein named;

A bill to incorporate the Tuskegee Female College;

A bill for the benefit of the tax collector of Dale county;

A bill for the relief of R. W. Clark and John R. Smith, of Jefferson county;

A bill to consolidate the offices of judge of probate and clerk of the circuit court of Hancock county;

A bill to pay jurors in the county of Chambers;

A bill for the benefit of the tax assessor of Dale county;

A bill authorising certain probate judges to order a special election for commissioners of roads and revenue for said county.

Mr. Cocke, from the Committee on the Judiciary, reported unfavorably on the bill for the relief of the executor of Ezekiel Thomas, deceased, late of Cherokee county.

Mr. Hendricks moved to lay the report on the table; which was lost.

And the Senate adjourned till 3½, p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment,

And resumed the consideration of the bill for the relief of the executor of Ezekiel Thomas, deceased, late of Cherokee county.

The question pending on concurring in the report of the committee, the Senate refused to concur in the report and ordered the bill to be engrossed.

Mr. Ashley reported the bill for the protection of the health of the towns of Geneva and Elba in Coffee county, with an amendment; which was adopted and the bill ordered to a third reading.

Mr. Ashley reported unfavorably on the bill for the relief of certain persons therein named.

The report was concurred. Yeas 6, nays 22.

Those who voted in the affirmative, are:

Messrs. Bradford, Gay, E. P. Jones, Kimball, Peterson and Powell.

Those who voted in the negative, are:

Messrs. President, Ashley, Baker, Bethea, Brindley, Clanton, Cocke, Crenshaw, Dickinson, Frazier, Hendricks, Hobdy, Hewlett, Jemison, H. C. Jones, Kelly, Lamar, Lee, Patton, Watts, Webb and Woodward.

Mr. Cocke reported favorably on the bill to establish a medical board in the county of Cherokee, and it was ordered to be engrossed.

Mr. Ashley reported back the petition of Mr. Ware, and said petition was referred to the Committee on the Judiciary.

Mr. Patton reported the bill to remove the Colbert shoals in the Tennessee river, with an amendment; which was adopted.

The bill was laid on the table.

Mr. Frazier reported back the petition of Daniel McCloud and others; said petition was referred to the Committee on the Judiciary.

Mr. Frazier reported unfavorably on the petition of George Brown and others.

The report was concurred in.

Mr. Frazier reported unfavorably on the petition of D. C. Turrentine and others.

The report was concurred in.

Mr. Frazier reported a bill for the relief of Seaborn Kelly; which was read the first, second and third times forthwith, and passed.

Mr. Webb, from the Joint Committee, to examine the offices of comptroller and treasurer, made the following

R E P O R T :

The Joint Committee appointed to examine the offices of the comptroller of public accounts and the treasurer of the State for the period of two years ending with the 30th day of September, A. D., 1853, have performed that duty and directed me to report in relation thereto:

Your committee commenced their investigation with the period designated, and conducted the same to the 19th day of January, A. D. 1854; inclusive, that being the day on which they closed

their count of the money in the office of the treasurer. Your committee have compared all the vouchers with the books in the office of the comptroller—the warrants and vouchers in the office of the treasurer, together with the books kept by him—they examined the extensions and additions, and compared the books of each office, which were found to be accurate and correct.

Your committee compared the results of their examination with the reports, made by each of said officers, to the present session of the general assembly—their statements of the receipts, disbursements and balances, of the public money, are strictly true.

Your committee deem it proper to report that by their examination they ascertain that the treasurer has received, since the end of the last fiscal year, commencing with the 1st day of October, A. D., 1853, to the 19th day of January, A. D., 1854, the sum of

The disbursements during the same period have been	\$327,673 65
	97,676 89

Showing balance on hand on business during that period of.....	\$229,996 76
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To which we added the balance on hand at the close of the fiscal year, 30th Sept., 1853.....	\$1,221,513 60
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Showing the total in Treasury, January 19th, 1854, to be.....	\$1,451,510 36
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Your committee would report that the sum of \$1,221,513 60 had been carefully reported by the treasurer before they commenced their investigation of his office, and they find the same to consist of the following funds:—

In notes of the State Bank and branches, and classed as fit for circulation.....	\$792,199 00
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Notes of the same so mutilated and defaced as to be unfit for circulation.....	104,583 00
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Notes of the Bank of Mobile and Southern Bank of Alabama.....	211,335 00
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Notes of the Bank of Montgomery.....	29,781 00
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Treasury warrants.....	31,219 83
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Certificates of deposit in the Bank of Mobile.....	27,000 00
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In gold coin of the U. S. and foreign.....	21,825 82
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In silver.....	3,569 95
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Your committee would beg leave to report that the money received by the Treasurer after the close of the fiscal year, Sept. 30th, 1853, had not been by him reported—that the sum of \$200,301 00 thereof is in the notes of the State Bank and the branches thereof—of the Bank of Mobile—the Southern Bank of Alabama—the Northern Bank of Alabama—and the Bank of Montgomery. That officer estimates that at least \$20,000 00 of these notes of the State Bank and branches are so mutilated and de-

faced that they are unfit for circulation—that there is in gold \$29,676 11, and in silver, \$19 65.

Your committee have deemed it expedient to make special report of the character of the funds in the Treasury because of the measure now pending in one branch of the general assembly to provide for the proper disposition of such of the notes of the State Bank and branches now in the treasury, and as are supposed to be too much defaced for circulation.

In the course of their investigation your committee were led to examine the correspondence of the treasurer with certain persons, from which they learn that the outstanding claims mentioned in his report are correct and unpaid, and advise that the Governor be authorized to take the necessary steps to collect the amount claimed to be due and owing by Charles H. Stewart, Esq.; and to effect which, they have directed me to report the accompanying joint resolution, and recommend the passage thereof.

Your committee would further report that the treasurer has kept with care, and very considerable labor, the registry of the bonds issued by the State, as well as those which have been redeemed, which was submitted to their inspection and examination.

Your committee would respectfully recommend that the salary of the treasurer is far short of an adequate compensation for the labor and immense responsibility incurred in the discharge of his official duties, and they have directed me to report the accompanying bill to increase his pay, and recommend its passage.

Your committee avail themselves of this occasion to bear testimony, that whilst engaged in the discharge of the labors of their investigation, each of the officers were prompt and cheerful in rendering to the committee every facility to advance their investigation.

J. D. WEBB,

Chairman of Joint Committee.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Governor of this State be, and he is hereby authorized and empowered to take the necessary steps to settle and collect the amount from Charles H. Stewart that he is indebted to the State of Alabama, as is shown by the report of the treasurer to the present session of the general assembly,

Ordered that 1500 copies of the report be printed for the use of the Senate.

Mr. Webb reported joint resolutions in relation to the claim of the State against Chas. H. Stewart; which was read the first, second and third times forthwith and passed.

Mr. Webb also reported a bill to increase the salary of the State Treasurer; which was read first, second and third times and passed.

Mr. Watts introduced a bill to authorise the Secretary of State

to issue a patent to L. Hogan; which was read the first, second and third times and passed.

Mr. Frazier reported unfavorably on the bill authorising the trustees of 16th section, range 29, of Russell county, to retain the school fund.

Mr. Brindley moved to lay the report on the table; which was lost.

The report was concurred.

Mr. Cocke, from the Committee on Enrolled Bills, reported as correctly enrolled:

A bill for the relief of Wm. Weatherford and others;

A bill for the relief of the deaf and dumb in this State;

A bill to attach David Seabors of Benton county, to precinct number 1;

A bill for the relief of Michael K. Moore and Cromwell H. Moore;

A bill to amend the charter of the town of Huntsville;

A bill for the relief of John Randolph of Covington county;

A bill to amend the several acts incorporating the town of Tuscumbia in Franklin county;

Joint memorial of the general assembly of the State of Alabama to the Congress of the United States, concerning the account of James Rumph;

A bill to incorporate the Opelika and Talladega Rail Road Company.

Mr. Bethea introduced a bill to amend section 917 of the code of Alabama relative to pilotage, being a copy of a house bill which had been reported against by the Judiciary Committee, and the report concurred in.

On the question of order being raised, Mr. President decided the bill to be in order, from which Mr. Crenshaw appealed, and the decision of the chair was sustained.

Mr. Bradford presented the petition of W. W. McLester, and also the account of M. Cummings; which were severally referred to the Committee on Accounts.

Mr. Kimball introduced a bill for the relief of certain persons therein named; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Baker introduced a bill for the relief of James Sherman, late tax collector of Russell county; which was read the first, second and third times and passed.

And the Senate adjourned until to-morrow morning, 10 o'clock.

FEBRUARY 2d, 1854.

The Senate met pursuant to adjournment.

Mr. Kelly presented a petition of citizens of Montevallo and vicinity, praying for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Hendricks reported favorably on the bill to create an additional regiment in the county of Randolph.

The bill was read the third time and passed.

Mr. Hendricks reported favorably on the bill to authorise the loan of cadet muskets to a certain academy.

The bill was read the third time and passed.

Mr. Hendricks reported favorably on the bill to aid the Southern Military Academy of Chambers county, Alabama.

The bill was ordered to a third reading.

Mr. Brindley, from the Select Committee to whom was referred the bill better to regulate the practice of medicine under the botanic system in this State, reported favorably on said bill.

The bill was ordered to be engrossed.

Mr. Jemison, from the Committee on Banks and Banking, to whom was referred the bill to incorporate the Central Bank of Alabama, reported a substitute for said bill.

The hour of 11 having arrived, the Senate proceed to reconsider the bill for the relief of Caswell C. Capshaw and Wm. H. Cobb, the bill having been vetoed by the Governor.

The vote was again taken, and the Senate refused to pass the bill, the constitution requiring a majority of the whole number of senators. Yeas 16, nays 11.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Bradford, Clanton, Cocke, Hendricks, Hobdy, Hewlett, E. P. Jones, Kimball, Lamar, Patton and Peterson.

Those who voted in the negative, are:

Messrs. Crenshaw, Dickinson, Frazier, Gay, Jemison, H. C. Jones, Kelly, Malone, Watts, Webb and Woodward.

Mr. Clanton introduced a bill to make Sarah Weathers a free dealer.

It was read the first and second times and referred to the Committee on the Judiciary.

Mr. Crenshaw introduced a bill to authorise annual sessions of the general assembly, and to limit the duration of the same.

Mr. Bradford moved to amend, when

The Senate resumed the consideration of the bill to aid in establishing a system of internal improvements in this State.

Mr. Patton moved to amend by striking out "three millions" in the proviso of the first section, and insert "two millions and a half;" which was carried.

Mr. Kelly moved to amend as follows:

SEC. —. *And be it further enacted*, That before any State aid shall be made by the Governor, under the provisions of this act, until the same shall be submitted to and recommended by the qualified voters of Alabama, and to this end it is hereby made the duty of the Governor to cause the question to be submitted to the qualified voters of this State on the first Monday in Au-

gust next, which election shall be conducted and returns made in the same manner as elections for Governor are now required to be done, that each voter who shall favor State aid as herein contemplated, shall express upon his ballot "State aid;" each voter who may be opposed to such aid, shall express upon his ballot "no State aid;" and it is hereby made the duty of the Governor, Secretary of State and Comptroller of Public Accounts, to compare the votes given and declare the result, and if a majority of the votes cast shall be in opposition to the proposed State aid, then and in that event no State aid shall be granted under the provisions of this act. If a majority of the votes cast shall be in favor of such State aid, then and in that event such aid is hereby granted as provided for in this act.

Which was lost. Yeas 10, nays 20.

Those who voted in the affirmative are:

Messrs. Ashley, Brindley, Crenshaw, Frazier, E. P. Jones, Kelly, Kimball, McLemore, Powell and Woodward.

Those who voted in the negative are:

Messrs. President, Acklen, Baker, Bethea, Bradford, Clanton, Cocke, Gay, Hendricks, Hobdy, Hewlett, Jemison, H. C. Jones, Lamar, Lee, Malone, Patton, Peterson, Watts and Webb.

Mr. Hobdy moved to amend as follows:

Provided, That five hundred thousand dollars of the amount there appropriated shall be reserved for the Mobile and Girard Rail Road, to be issued to said road upon the compliance of the company with the provisions of this act.

Mr. Crenshaw moved to amend the amendment by striking out the word "issued" and insert the words "paid out;" carried.

Mr. Clanton moved to reconsider the vote, striking out "three millions" and inserting "two millions and a half;" which was lost. Yeas 11, nays 21.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Bethea, Clanton, Hendricks, Hewlett, Lamar, Lee, Peterson and Watts.

Those who voted in the negative, are:

Messrs. Baker, Blake, Bradford, Brindley, Cocke, Crenshaw, Dickinson, Frazier, Gay, Hobdy, Jemison, E. P. Jones, H. C. Jones, Kelly, Kimball, Malone, McLemore, Patton, Powell, Webb and Woodward.

Mr. Jemison moved to amend by striking out "five" in the amendment; which was lost. Yeas 15, nays 15.

Those who voted in the affirmative are:

Messrs. Ashley, Bethea, Bradford, Clanton, Cocke, Hendricks, Hobdy, Hewlett, Jemison, Lamar, Lee, Patton, Peterson, Watts and Webb.

Those who voted in the negative are:

Messrs. President, Baker, Blake, Brindley, Crenshaw, Dickinson, Frazier, E. P. Jones, H. C. Jones, Kelly, Kimball, Malone, Powell and Woodward.

Mr. Malone moved to amend as follows:

Provided, That the sum of one hundred thousand dollars, in addition to the sum hereby intended to be secured to the Memphis and Charleston Rail Road Company, be and the same is hereby added to that amount for the purpose of aiding in the construction of the Tennessee and Alabama Central Rail Road, to be applied on that portion of the road extending from Decatur through Limestone county, northwardly to the Tennessee State line.

Mr. Patton moved to lay the amendment on the table; which was carried.

Mr. Crenshaw moved to amend as follows:

And if any money is paid out under the provisions of this act to any rail road company, the same shall be due and payable ten years from the date of this loan; and the said company shall pay into the treasury of the State, semi-annually, under the same pains and penalties that are applied in this act in relation to bonds authorized to be issued under this act; which was adopted.

Mr. Crenshaw moved to amend as follows, to come in at the end of the ninth section:

Provided, That the aid extended to the Mobile and Ohio Rail Road by this section shall constitute and make a part of the twenty five hundred thousand dollars, authorized by this act to be appropriated, which may be paid out in money or bonds, as the Governor may choose under the provisions of said sections; which was adopted.

Mr. Webb moved the previous question; which was lost.

The amendment offered by Mr. Hobdy was taken from the table.

Mr. Hobdy moved to strike out "five" and insert "four;" which was adopted.

Mr. Malone moved to lay the amendment on the table; which was carried. Yeas 20, nays 11.

Those who voted in the affirmative are:

Messrs. President, Acklen, Ashley, Blake, Brindley, Cocke, Frazier, Gay, Hewlett, Jemison, E. P. Jones, H. C. Jones, Lamar, Lee, Malone, Patton, Powell, Watts, Webb and Woodward.

Those who voted in the negative are:

Messrs. Baker, Bethea, Bradford, Clanton, Crenshaw, Dickinson, Hendricks, Hobdy, Kelly, Kimball and McLemore.

Senate adjourned until 3½ o'clock, p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Message from the Governor by Mr. Whitfield—

Mr. President: His excellency, the Governor has approved the following bills, which originated in the Senate:

1. An act to provide township maps for the county of Butler;
2. An act in relation to holding magistrates courts in Tallapoosa county;

3. An act to incorporate the Brewersville Male and Female Academy in the county of Sumter;

4. An act to divide the counties of Choctaw and Jefferson into road districts and for other purposes;

5. An act to provide a set of weights and measures for the counties of Butler and Madison;

6. An act to increase the fees of the clerk of the supreme court;

7. An act to establish a medical board in the county of Choctaw;

8. An act to authorize the transfer of a certain cause now pending in the city court of Mobile to the circuit court of said county;

9. An act to amend an act entitled an act to incorporate a company with authority to construct a Plank Road or Rail Road from Marion in Perry county to the Alabama river, approved, February 13th, 1850.

Mr Cocke, from the Committee on Enrolled Bills, reported as correctly enrolled:

A bill to authorize David Olopton, administrator of John Trafford, deceased, to sell the real estate belonging to said decedent, which has escheated;

To amend an act entitled an act to incorporate the Coosa and Chattooga Rail Road Company, approved, January 6th, 1852;

To authorize Allen C. Jones to erect gates across the Gum Spring road;

To exempt millers and sheriffs from road duty in the county of Fayette;

To authorize the commissioners court of DeKalb and others to levy a tax on nine or ten pin alleys, &c.;

Defining the boundaries of a new election precinct in the county of Jackson, and for other purposes;

To amend the charter of the town of Marion in the county of Perry;

To incorporate the Planters' Insurance Company;

For the payment of money to John F. Dill for removing obstructions in the Coosa river;

To change the name of James Martin of Mobile county;

To make Nancy J. Graves of the county of Fayette a free dealer;

To divorce certain persons therein named;

A memorial to Congress in relation to the reduction of pine lands in this State;

A bill in reference to the fees of the judge of probate of Mobile county, and for other purposes;

To provide for a geological and agricultural survey of the State;

To incorporate the West Point, Georgia and Tennessee River Rail Road Company;

For the relief of Mrs. Elizabeth Jones and others, the securities of Alexander C. Walker;

To authorize the county of Jackson to pay certain claims, &c.;

To incorporate the village of Spring Hill in the county of Barbour, and for other purposes;

For burial expenses in Pickens county;

To authorize the summoning of witnesses in certain cases in the county of Jackson;

For the relief of John Burton, sr., of Walker county.

The Senate resumed the consideration of the bill to aid in establishing a system of internal improvements in this State.

Mr. Watts moved to strike out section 16 in the bill, and in its stead insert the following:

SEC. 16. *And be it further enacted*, That the Montgomery and West Point Rail Road Company, and the Alabama and Mississippi River Rail Road Company shall be entitled to the aid provided for in this bill notwithstanding any liens which may exist against said companies or either of them: *Provided*, That they give to the State such security as to the removal of liens as is required of the Alabama and Tennessee River Rail Road Company, by the provisions of this act; and if said companies or either of them shall merge their stock into a company to be known as the Western Rail Road Company, under an act passed or to be passed for that purpose and others, then the said Western Rail Road Company shall be entitled to all the benefits of this act on giving to the State such security as to the removal of liens as is required of the Alabama and Tennessee River Rail Road Company under the provisions of this act.

Provided further, That nothing in this act contained shall authorize the Montgomery and West Point Rail Road Company to receive any of the aid provided for in this act for the purpose of relaying the iron on the said road; which was adopted.

Mr. Crenshaw moved to amend as follows; to come in at the end of section two:

And any company obtaining bonds under this act shall not purchase iron with the same at a higher price than the market value of the same for cash, under the pains and penalties of this act for a misapplication of the funds obtained from the State; which was lost.

Mr. Webb moved to postpone the bill indefinitely; which was lost. Yeas 16, nays 16.

Those who voted in the affirmative, are:

Messrs. Ashley, Blake, Brindley, Cocke, Dickinson, Frazier, Gay, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, McLemore, Powell, Webb and Woodward.

Those who voted in the negative, are:

Messrs. President, Acklen, Baker, Bethea, Bradford, Clanton, Crenshaw, Hendricks, Hobdy, Jemison, Lamar, Lee, Malone, Patton, Peterson and Watts.

Mr. Bethea moved to adjourn till to-morrow morning, 10 o'clock; which was lost. Yeas 16, nays 16.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Baker, Bethea, Bradford, Clanton, Frazier, Hendricks, Hewlett, Jemison, Lamar, Lee, Malone, Patton, Peterson and Watts.

Those who voted in the negative, are:

Messrs. Ashley, Blake, Brindley, Cocke, Crenshaw, Dickinson, Gay, Hobdy, E. P. Jones, H. C. Jones, Kelly, Kimball, McLemore, Powell, Webb and Woodward.

Mr. Baker moved to postpone the further consideration of the bill until to-morrow at 11 o'clock, and make it the special order for that hour; which was carried. Yeas 16, nays 15.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Baker, Bethea, Bradford, Clanton, Crenshaw, Frazier, Hendricks, Jemison, Lamar, Lee, Patton, Peterson and Watts.

Those who voted in the negative, are:

Messrs. Ashley, Blake, Brindley, Cocke, Dickinson, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, McLemore, Powell, Webb and Woodward.

The Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, February 3rd, 1854.

The Senate met pursuant to adjournment.

Message from the House by Mr. Elmore—

Mr. President: The House has originated and passed a bill of the following title:

For the relief of James Lumpkin, an Indian,

And recedes from its disagreement to the Senate amendment to the bill making protests of notaries and other authorized persons evidence in certain cases.

The clerk begs leave to amend his message of 26th of January to the bill authorizing courts of county commissioners to establish, abolish or change the place of voting in election precincts, in which the House concurred in the amendment of the Senate.

Mr. Baker presented the petition of Edwin F. De Graffenreid, which was referred to the Committee on Accounts.

Mr. Bethea reported favorably on the bill to incorporate the Alabama Coal Mining Company; which was read the third time, and passed.

Mr. Bethea reported favorably on the bill to authorize the Bank of Mobile, the Southern and Northern Banks of Alabama to issue bills of a less denomination than five dollars.

The bill was laid on the table.

Mr. Bethea reported unfavorably on the bill to authorise the several banks of this State to issue bills of a less denomination than five dollars, inasmuch as a similar bill has been reported.

The report was concurred in.

Mr. H. C. Jones, from the Committee on Divorce and Alimony, reported a bill to divorce certain persons therein named, with amendments.

The amendments were adopted; the bill was laid on the table.

Mr. H. C. Jones reported unfavorably on the bill to legalize a certain marriage therein named.

The report was concurred in.

Mr. H. C. Jones reported favorably on the bill to divorce Elizabeth B. Simonds from her husband, Edmond Simonds.

The bill was read the third time and passed.

Mr. Malone, from the Committee on Education, reported a substitute for the bill to establish a system of common schools and to provide a fund for the support of the same.

The report, substitute and original bill were postponed until to-morrow, and made the special order for 11 o'clock of that day.

Mr. Patton reported a bill to remunerate James G. Carroll for certain services rendered the State of Alabama.

The bill was read the first time and ordered to a second reading.

Mr. Peterson reported a bill to compensate Jordan and Moore, lessees of the penitentiary.

The bill was read the first time and ordered to a second reading. Yeas 20, nays 9.

Those who voted in the affirmative are:

Messrs. President, Acklen, Ashley, Baker, Blake, Bradford, Clanton, Dickinson, Hendricks, Jemison, E. P. Jones, H. C. Jones, Kelly, Kimball, Malone, Patton, Peterson, Powell, Webb and Woodward.

Those who voted in the negative, are:

Messrs. Brindley, Crenshaw, Frazier, Gay, Hobdy, Hewlett, Lamar, Lee and Searcy.

Mr. Peterson reported favorably on the bill for the payment of certain claims against the State.

The bill was ordered to a third reading.

Mr. Dickinson, from the Committee on Finance, to whom was referred so much of the Governor's message as relates to taxes, their assessment and collection, report the same back to the Senate and ask to be discharged from the further consideration of the subject.

The committee were discharged.

Mr. Dickinson reported favorably on the bill in relation to taxes in Mobile county.

The bill was read the third time and passed.

Mr. Baker reported favorably on the bill to recover from tax assessors the amount of taxes they may wrongfully assess.

The Senate refused to order the bill to a second reading.

Mr. Frazier reported unfavorably on the bill authorising the Governor to issue a patent to John Day of Russell county, for east $\frac{1}{2}$ section 20, township 14, range 29.

On motion of Mr. Baker, the report and bill were laid on the table.

The Senate resumed the consideration of the bill to aid in establishing a system of internal improvements in this State.

The Senate refused to order said bill to a second reading. Yeas 15, nays 18.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Baker, Bethea, Bradford, Clanton, Crenshaw, Hendricks, Hobdy, Jemison, Lamar, Lee, Malone, Patton and Watts

Those who voted in the negative, are:

Messrs. Ashley, Blake, Brindley, Cocke, Dickinson, Frazier, Gay, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, McLe-more, Peterson, Powell, Searcy, Webb and Woodward.

Mr. Bethea, from the Select Committee to whom was referred the bill to prevent betting at pool tables, reported a substitute.

Mr. Baker moved to amend as follows, to come in at the end of section 1:

Provided, This act shall not apply to any pool or billiard table licensed until after the expiration of such license.

Which was lost. Yeas 11, nays 20.

Those who voted in the affirmative, are:

Messrs. President, Ashley, Baker, Blake, Brindley, E. P. Jones, Kelly, Kimball, Peterson, Powell and Searcy.

Those who voted in the negative are:

Messrs. Acklen, Bethea, Bradford, Clanton, Cocke, Crenshaw, Dickinson, Frazier, Gay, Hendricks, Hobdy, Hewlett, Jemison, H. C. Jones, Lee, Malone, Patton, Watts, Webb and Woodward.

The bill was ordered to be engrossed.

The bill to divorce certain persons therein named, was taken from the table, read the third time and passed.

Mr. Bethea introduced a bill in aid of the Mobile and Ohio Rail Road Company.

It was read the first and second times and made the special order for 11 o'clock on Monday next.

Mr. Baker introduced a bill to amend the first clause of section 2182 of the code in relation to bail in civil cases.

The bill was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Cocke introduced a bill to amend the charter of the Marion Rail Road Company, and extend the same; which was read the first and second times, and referred to the Committee on Internal Improvement.

Mr. Cocke introduced a bill to constitute Seaborn W. and Samuel B. Harwell liners, &c.; which was read the first, second and third times forthwith, and passed.

Mr. H. C. Jones introduced a bill to compensate Erasmus N. Matthews, agent for the State of Alabama, for locating certain

lands; which was read the first, second and third times forthwith and passed.

Mr. Watts introduced a bill to change the venue in issues pending in probate courts; which was read the first time and ordered to a second reading.

Mr. Kimball introduced a bill for the relief of the Hon. David G. Ligon; which was read the first, second and third times forthwith and passed. Yeas 19, Nays 10.

Those who voted in the affirmative, are:

Messrs. Acklen, Ashley, Baker, Bethea, Blake, Bradford, Clanton, Cocke, Crenshaw, Dickinson, Hewlett, E. P. Jones, Kelly, Kimball, Malone, Patton, Watts, Webb and Woodward.

Those who voted in the negative, are:

Messrs. Brindley, Frazier, Gay, Hendricks, Hobdy, Jemison, H. C. Jones, Lee, Peterson and Searcy.

Mr. Patton introduced a bill to amend the charter of the town of Florence; which was read the first and second times and ordered to be engrossed.

Mr. Blake introduced a bill to aid the Alabama and Tennessee River Rail Road; which was read the first and second times.

Mr. H. C. Jones moved to amend as follows:

Provided, That the Memphis and Charleston Rail Road Company shall receive the sum of five hundred thousand dollars, under the same rules and regulations, and by giving the lien security as required in the provisions of this bill.

Mr. Jemison moved to refer the bill to the Committee on Internal Improvement.

A message from the House, by Mr. Elmore:

Mr. President: The House of Representatives has amended the resolution of the Senate proposing to adjourn *sine die* on the 13th, by striking out the "13th" and inserting the "18th," and concurs in the resolution as amended; in which the concurrence of the Senate is requested.

Mr. Watts moved to lay the resolution on the table; which was lost. Yeas 2, nays 29.

Those who voted in the affirmative are:

Messrs. Cocke and Watts.

Those who voted in the negative are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Blake, Bradford, Brindley, Clanton, Crenshaw, Dickinson, Frazier, Gay, Hendricks, Hobdy, Jemison, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Lee, Malone, McLemore, Patton, Peterson, Powell, Webb and Woodward.

The amendment of the House was concurred in. Yeas 18, nays 15.

Those who voted in the affirmative, are:

Messrs. Bethea, Blake, Brindley, Clanton, Cocke, Crenshaw, Gay, Jemison, E. P. Jones, H. C. Jones, Kelly, Kimball, Malone, McLemore, Peterson, Powell, Searcy and Woodward.

Those who voted in the negative, are:

Messrs. President, Acklen, Ashley, Baker, Bradford, Dickinson, Frazier, Hendricks, Hobdy, Hewlett, Lamar, Lee, Patton, Watts and Webb.

Mr. Hendricks moved to adjourn until to-morrow morning, 10 o'clock; which was lost.

Mr. Bradford moved to adjourn until 3½ o'clock; which was carried;

And the Senate adjourned till 3½, p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The bill to repeal so much of the code of Alabama as prohibits the circulation of bank bills of other States of a less denomination than five dollars, was read the third time, and passed. Yeas 19, nays 10.

Those who voted in the affirmative, are:

Messrs. Baker, Bradford, Brindley, Clanton, Cocke, Frazier, Gay, Hendricks, Hobdy, Hewlett, E. P. Jones, Kelly, Kimball, Lamar, Lee, Malone, McLemore, Peterson and Searcy.

Those who voted in the negative, are:

Messrs. Acklen, Ashley, Bethea, Blake, Crenshaw, Dickinson, H. C. Jones, Webb and Woodward.

The bills

To lay off Cherokee and Lauderdale into four commissioners' districts, and for other purposes therein mentioned:

To incorporate the Alabama Coal Mining Company;

To extend the boundaries of the town of Decatur in Morgan county, and for other purposes;

To amend the law in relation to attachments against foreign corporations;

For the relief of George S. Greene;

To protect the health of the towns of Geneva and Elba in Coffee county;

To incorporate the Alabama River Pilot Association;

For the relief of John G. Hall;

Requiring justices of the peace and constables of Lowndes county in their respective beats to act as apportioners of roads, and for other purposes;

To establish a company beat with less than forty privates in Blount county, and for other purposes;

For the relief of Mary Pearce of Coffee county;

For the relief of John T. Weaver, were severally read the third time, and passed.

The bill to regulate purchases at sales under decrees in chancery, orders of the orphans' court, deeds of trust, and mortgages by interested parties, was read the third time and the Senate refused to pass it. Yeas 15, nays 16.

Those who voted in the affirmative, are :

Messrs. President, Ashley, Blake, Brindley, Cocke, Gay, Hendricks, E. P. Jones, Kelly, Kimball, Lee, Malone, Peterson, Searcy and Watts.

Those who voted in the negative, are :

Messrs. Acklen, Baker, Bethea, Bradford, Clanton, Crenshaw, Dickinson, Frazier, Hobdy, Hewlett, H. C. Jones, Lamar, Patton, Powell, Webb and Woodward.

The bills :

To incorporate the Montgomery Gas Light Company ;

For the relief of Dan. R. Loper of Montgomery county ;

To authorize garnishments to be issued by justices of the peace ;

To modify an act entitled an act to aid the Alabama and Mississippi River Rail Road Company ;

To incorporate the Grand Temple of Honor of the State of Alabama and its subordinates ;

To compensate Jesse Comelander ;

To amend section 917 of the Code of Alabama relative to pilotage ;

To amend section 1805 of the Code in relation to annual settlements ;

To pay Harrel Hobdy a certain sum of money ;

To incorporate the Hydrophatic Medical Institute of Alabama ;

To establish a medical board in the county of Cherokee ;

Better to regulate the practice of medicine under the Botanic system in this State ;

To aid the Southern Military Academy of Chambers county, Alabama ;

To amend section 2677 of the Code in relation to partition of land ;

To authorize the appointment of constables in certain cases ;

In regard to injunctions ;

To incorporate the Selma Insurance and Trust Company ;

To incorporate the Bellville Male and Female Academy, and for other purposes ;

To incorporate the town of Waterloo in the county of Lauderdale ;

To incorporate the Pickensville Academy ;

In relation to the officers of the penitentiary ;

To increase the compensation of the marshal of the supreme court of Alabama ;

For the relief of the executor of Ezekiel Thomas, deceased, late of Cherokee county, were severally read the third time, and passed.

A joint memorial to the Congress of the United States was read the third time, and passed.

Memorial and joint resolution was read the third time, and passed.

Memorial of the Legislature of the State of Alabama, on the subject of a mail route between Montevallo and Chattanooga, was read the third time, and passed.

Joint resolution on the subject of the boundary between the States of Alabama and Georgia, was read the third time, and passed.

The bills :

To amend section 3440 of the Code of Alabama ;

To amend the charter of the Gainesville Female Academy ;

To amend sections 3047, 1186, 3046 and 3043 of the Code of Alabama in their application to the county of Madison ;

To amend section 391 of the Code ;

For the purpose of establishing an election precinct in the county of Marion, and for other purposes ;

To authorize Lewis Gibson, administrator in right of his wife, to remove certain property to the county of Autauga ;

To authorize Lewis Alexander, judge of probate in Macon county, to act as guardian, were severally read the third time, and passed.

The bill for the relief of Matt. Gayle and Wm. Minter was read the third time, and passed. Yeas 20, nays 7.

Those who voted in the affirmative, are :

Messrs. President, Acklen, Bethea, Blake, Bradford, Brindley, Clanton, Cocke, Hobdy, E. P. Jones, Kelly, Kimball, Lamar, Lee, McLeMore, Patton, Searcy, Watts, Webb and Woodward.

Those who voted in the negative, are :

Messrs. Crenshaw, Frazier, Gay, Hendricks, H. C. Jones, Peterson and Powell.

The joint memorial to the legislature of Georgia on Wills' Valley Rail Road, was laid on the table.

The bill to aid the Tennessee and Coosa Rail Road Company, was made the special order for Tuesday next, at 11 o'clock.

The bill to authorize the transfer and burning of certain bank notes of the State of Alabama and branches, was read the third time.

Mr. Brindley moved to amend, as follows :

SEC. 3. *Be it further enacted*, That said State Treasurer shall keep said notes of the State Bank and branches not mutilated in the treasury until he and the Governor and the Comptroller, or a majority of them shall think it expedient and not in conflict with the constitution to put them into circulation again.

Mr. Brindley moved that the bill be postponed until to-morrow, and be made the special order for 11 o'clock of that day ; which was carried.

The bill to incorporate the Selma and Mobile Rail Road Company, was read the first time and ordered to a second reading.

The bill to incorporate the Western Rail Road Company of Alabama was taken up.

Mr. Watts moved an amendment; which was adopted and the bill read the third time, and passed.

The Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, February 4th, 1854.

The Senate met pursuant to adjournment.

Message from the Governor by Mr. Whitfield—

Mr. President: His excellency, the Governor, has approved the following bills, which originated in the Senate:

An act to authorize the comptroller of public accounts to settle with the sureties of Wm. B. Campbell, late tax collector of Randolph county;

An act to pay jurors in the county of Chambers;

An act to amend the military laws of the State of Alabama;

An act for the relief of John Randolph of Covington county;

An act to amend the charter of the town of Marion in the county of Perry;

An act to amend an act entitled an act to incorporate the Coosa and Chattahoochee River Rail Road Company, approved 6th January, 1852;

An act to amend the several acts incorporating the town of Tuscumbia in Franklin county.

A joint memorial of the general assembly of the State of Alabama to the Congress of the United States, concerning the account of Jas. Rumph.

An act to incorporate the West Point, Georgia and Tennessee River Rail Road Company.

Message from the House by Mr. Elmore—

Mr. President: I am instructed by the House of Representatives to transmit to the Senate the House bill for the relief of Lucy Jane Jordan of Coffee county, which has been returned to the House by his excellency, the Governor, with his objections thereto, and has passed the House by the constitutional majority.

I am also instructed to transmit therewith the objections of his excellency.

Mr. Kelly presented the petition of Horace Ware of Shelby county, for State aid in the making of iron, &c.; which was referred to the Committee on Internal Improvement.

Ordered, that leave of absence be granted to Messrs. Clanton and Dickinson.

Mr. Bethea reported unfavorably on the bill for the management and expenses of the State Bank and its branches.

The report was concurred in.

Mr. Bethea reported favorably on the bill to amend the charter of the Marion Rail Road Company and to extend the same; and the bill was ordered to be engrossed.

Mr. Patton reported the bill to amend the charter of the Northern Bank of Alabama, and asked to be discharged from the further consideration thereof.

Ordered that the committee be discharged.

Mr. Watts, from the Judiciary Committee, to whom was referred the bill authorising the sale of personal property for distribution, reported favorably, and the bill was ordered to be engrossed.

Mr. Blake reported favorably on the bill to amend the law and regulate the proceedings in admiralty in the State of Alabama.

The bill was ordered to a third reading.

Mr. Blake reported unfavorably on the bill to make Sarah Weathers a free dealer.

Mr. Blake reported unfavorably on the petition of Dr. Holt and others.

The report was concurred in.

Mr. Blake reported favorably on the bill to authorise the Governor to subscribe to a map of Alabama, to be published by D. W. Jones, with an amendment; which was adopted and the bill ordered to be engrossed.

Mr. Blake reported unfavorably on the bill for the relief of certain persons therein named.

The Senate refused to concur in the report, and ordered the bill to be engrossed.

Mr. Ashley reported unfavorably on the petition of the citizens of Randolph county in regard to a jail in said county; which report was concurred in.

Mr. Ashley reported favorably on the bill for the relief of Augustus Lilly; and the bill was ordered to be engrossed.

The Senate resumed the consideration of the bill to authorise annual sessions of the general assembly and to limit the duration of the same.

Mr. Watts moved to strike out "55" and insert "54;" which was carried.

Mr. Gay moved to strike out "40" and insert "30;" which was lost.

Mr. McLemore moved to strike out "40" and insert "35;" which was lost.

The Senate refused to order the bill to a third reading. Yeas 11, nays 14.

Those who voted in the affirmative, are:

Messrs. Bethea, Blake, Bradford, Hendricks, Hobdy, Kimball, Lamar, Peterson, Powell, Searcy and Watts.

Those who voted in the negative, are:

Messrs. President, Ashley, Brindley, Greshaw, Frazier, Gay, E. P. Jones, H. C. Jones, Kelly, Lee, Malone, Webb and Woodward.

The bill for the relief of Lucy Jane Jordan of Coffee county

having been vetoed by the Governor, was reconsidered, and passed by the constitutional majority. Yeas 19, nays 1.

Those who voted in the affirmative are:

Messrs. Acklen, Ashley, Baker, Bethea, Blake, Bradford, Gay, Hendricks, Hobdy, E. P. Jones, Kimball, Lamar, Lee, McLemore, Patton, Peterson, Powell, Searcy and Watts.

Those who voted in the negative, are:

Messrs. Brindley, Crenshaw, Frazier, H. C. Jones, Kelly, Webb and Woodward.

Mr. Bethea moved to adjourn until Monday morning 10 o'clock; which was carried. Yeas 18, nays 10.

Those who voted in the affirmative, are:

Messrs. Acklen, Ashley, Bethea, Blake, Brindley, Hendricks, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Lee, Patton, Powell, Watts, Webb and Woodward.

Those who voted in the negative, are:

Messrs. Baker, Bradford, Crenshaw, Frazier, Gay, Hobdy, Malone, McLemore, Patton and Searcy.

And the Senate accordingly adjourned.

FEBRUARY 6, 1854.

The Senate met pursuant to adjournment.

The bill to regulate the circuit court for the county of Choctaw, was read the first, second and third times and passed.

Mr. Blake presented a petition from sundry citizens of Selma in regard to their city charter; which was referred to the Committee on the Judiciary.

Mr. Bethea presented the petition of M. Waring and others; which was referred to the Committee on Finance.

Mr. Hendricks reported favorably on the bill to authorise John C. Whitsitt to erect gates across a road therein named.

The bill was laid on the table.

Mr. Webb, from the Select Committee to whom was referred the bill to provide for the permanent investment of the funds belonging to the several townships of this State for the use of schools, reported said bill and recommended its passage.

Mr. Blake moved to amend.

Ordered, that the bill and amendment be made the special order for Wednesday, 12 o'clock.

Mr. Watts, from the Committee on Internal Improvement, reported the bill to aid the Alabama and Tennessee River Rail Road, with an amendment by way of substitute.

The hour of 10½ having arrived, the Senate resumed the consideration of the bill to incorporate the Bank of ———.

Mr. President (Mr. Brindley in the chair,) moved to make the bill the especial order for Thursday; which was lost.

Mr. Blake moved to make it the special order for 3½ p. m.; which was lost.

The bill was laid on the table.

The bill to aid the Mobile and Ohio Rail Road Company was taken up, it being a special order.

Mr. Bethea moved to strike out "five" and insert "four;" which was carried.

Mr. Patton moved to strike out "eight" and insert "six;" which was carried.

Mr. Bethea moved to strike out "annually" and insert "quarter-yearly;" which was carried.

Mr. Watts moved to amend as follows:

SECTION 4. *Be it further enacted,* That the Mobile and Ohio Rail Road Company shall not be entitled to the provisions of any general act which may be passed by the legislature at its present session, giving aid to rail roads.

Which was adopted.

The bill was ordered to be engrossed. Yeas 18, nays 11.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Baker, Bethea, Bradford, Brindley, Hendricks, Hobdy, Jemison, Kelly, Lamar, Lee, Malone, McLe-more, Patton, Powell, Watts and Webb.

Those who voted in the negative, are:

Messrs. Ashley, Blake, Crenshaw, Frazier, Hewlett, E. P. Jones, H. C. Jones, Kimball, Peterson, Searcy and Woodward.

Mr. H. C. Jones reported, as correctly enrolled:

A bill to incorporate the Eufaula Insurance Company;

A bill to aid the Southern Military Academy of Chambers county, Alabama;

A bill to make protests of notaries and other authorised persons evidence in certain cases;

A bill to authorise the apportioners of the different districts of Pickens county to appoint the overseer, and for other purposes therein named;

A bill for the relief of the tax assessors of Randolph, Tallapoosa and Cherokee counties;

A bill for the relief of Leroy Napier;

A bill to establish a medical board in the county of Russell;

A bill to incorporate the Glennville Rail Road Company;

A bill to provide a record of marks and brands for Washington county;

A bill to repeal section 2461 and amend section 2464 of the code of Alabama;

A bill to regulate the harbor master and port wardens of the port of Mobile;

A bill giving the court of probate jurisdiction to compel the administrator or executor of a deceased administrator or executor or guardian to settle the accounts of his testator or intestate, as the case may be;

A bill to regulate the sale of real or personal property by executors or administrators;

A bill to exempt certain property from sale by executors or administrators;

A bill to repeal an act to increase the pay of jurors in certain counties therein named, approved 21st December, 1837;

A bill to legalize a marriage between David Humphries and Martha Griffin;

A bill to repeal part of an act to regulate the corporation of the town of Fayetteville, approved February 5, 1852.

The bill to authorise the Bank of Mobile, the Southern and Northern Banks of Alabama to issue bills of a less denomination than five dollars, was taken from the table.

Mr. Patton moved to amend as follows:

SEC. — *Be it further enacted*, That the Northern Bank of Alabama at Huntsville shall have the privilege of paying any specie paying bank notes, received by said bank on deposit, or in the payment of debts: *Provided*, That notes thus paid out shall not be of less denomination than ten dollars.

SEC. — *Be it further enacted*, That the directors of said bank be and they are hereby authorised to fix the salary of their president.

Mr. President (Mr. McLemore in the chair,) moved to lay the first section of the amendment on the table; which was carried. Yeas 16, nays 9.

Those who voted in the affirmative, are:

Messrs. President, Ashley, Baker, Bradford, Brindley, Crenshaw, Hendricks, Hobdy, Hewlett, Jemison, Kelly, Kimball, McLemore, Powell, Searcy and Woodward.

Those who voted in the negative, are:

Messrs. Acklen, Bethea, E. P. Jones, H. C. Jones, Lamar, Malone, Patton, Peterson and Webb.

This vote was reconsidered, and Mr. Patton obtained leave and withdrew his amendment.

The bill was read the third time and passed. Yeas 23, nays 5.

Those who voted in the affirmative are:

Messrs. President, Acklen, Baker, Blake, Bradford, Crenshaw, Frazier, Hendricks, Hobdy, Hewlett, Jemison, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Lee, Malone, Patton, Peterson, Powell, Searcy and Webb.

Those who voted in the negative, are:

Messrs. Ashley, Bethea, Brindly, McLemore and Woodward.

The Senate adjourned until 3½, p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Crenshaw introduced a bill to amend an act to incorporate the Lowndesboro' Female Institute; which was read the first, second and third times and passed.

The bill to authorise John C. Whitsitt to erect gates across a road therein named, was taken from the table.

Mr. Webb moved an amendment; which was adopted, and the bill read the third time and passed.

Mr. Kimball introduced a bill for the relief of the tax collector of Tallapoosa county; which was read the first and second times and ordered to be engrossed.

Mr. Frazier introduced a bill to aid the Memphis and Charleston Rail Road; which was read the first and second times and referred to the Committee on Internal Improvement.

Mr. Watts introduced a bill to modify section 3095 of the Code; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Woodward introduced a bill declaring Turkey creek in Baldwin county a public highway; which was read the first and second times and referred to the Committee on Internal Improvement.

Mr. Brindley introduced a bill to direct the binding of certain copies of acts of assembly; which was read the first, second and third times, and passed.

Mr. Brindley introduced a bill to legalize a certain marriage therein named, &c.; which was read the first time and ordered to a second reading.

Mr. Patton introduced a bill to amend the charter of the Northern Bank of Alabama at Huntsville; which was read the first and second times, and ordered to be engrossed. Yeas 19, nays 8.

Those who voted in the affirmative, are:

Messrs. Acklen, Ashley, Baker, Bethea, Blake, Bradford, Hendricks, Hobdy, E. P. Jones, H. C. Jones, Lamar, Lee, Malone, McLemore, Patton, Peterson, Searcy and Watts.

Those who voted in the negative, are:

Messrs. President, Brindley, Crenshaw, Frazier, Hewlett, Kelly, Webb and Woodward.

Mr. Webb introduced a bill to amend the road law in reference to Perry county; which was read the first time and ordered to a second reading.

Mr. Hendricks introduced a bill to tax slave property according to value; which was read the first time, and the Senate refused to order it to a second reading.

Mr. Brindley introduced a bill to amend section 1186 of the Code of Alabama; which was read the first time and ordered to a second reading.

The Senate refused to concur in the first amendment of the House of Representatives to the bill to increase the salaries of certain officers therein named. Yeas 13, nays 13.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Bradford, Crenshaw, H. C. Jones, Lee, McLemore, Patton, Watts and Webb.

Those who voted in the negative are:

Messrs. Blake, Brindley, Frazier, Hendricks, Hobdy, Hewlett, E. P. Jones, Kelly, Lamar, Peterson, Powell, Searcy and Woodward.

The Senate concurred in the second amendment to said bill. Yeas 15, nays 10.

Those who voted in the affirmative are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Blake, Bradford, Crenshaw, Hobdy, H. C. Jones, Lee, McLemore, Patton, Watts and Webb.

Those who voted in the negative are:

Messrs. Brindley, Frazier, Hendricks, Hewlett, E. P. Jones, Kelly, Lamar, Peterson, Searcy and Woodward.

The Senate adjourned until to-morrow morning, 10 o'clock.

FEBRUARY 7th, 1854.

The Senate met pursuant to adjournment.

Mr. Cocke reported as correctly enrolled:

A bill to authorize the trustees of section 16, township 17, range 6, east, to substitute certain notes for others, heretofore taken, and for other purposes for a part of said sixteenth section;

To provide a lien in behalf of the State in certain instances;

To repeal an act declaring the Tallassahatchee creek in Benton county a public highway;

To extend the time of payment and settlement of taxes in Sumter county;

A bill making the county surveyor of Benton county elective by the people;

To amend an act incorporating the town of Tuskegee, in Macon county;

To compensate Jesse Comelander.

Mr. Malone presented the petition of J. H. Jones, J. D. Tanner, and others of Limestone county, in reference to township elections, &c.; which was referred to the Committee on Sixteenth Sections.

Mr. Lamar moved to reconsider the vote refusing to concur in the first amendment of the House of Representatives, to the bill to increase the salaries of certain officers therein named.

The vote was reconsidered. Yeas 19, nays 12.

Those who voted in the affirmative are:

Messrs. President, Acklen, Ashley, Baker, Bradford, Clanton, Cocke, Crenshaw, Hewlett, H. C. Jones, Kimball, Lamar, Lee, Malone, McLemore, Patton, Peterson, Watts and Webb.

Those who voted in the negative are:

Messrs. Blake, Brindley, Frazier, Gay, Hendricks, Hobdy, Jemison, E. P. Jones, Kelly, Powell, Searcy and Woodward.

Said amendment was concurred in. Yeas 17, nays 14.

Those who voted in the affirmative, are :

Messrs. Acklen, Ashley, Baker, Bethea, Bradford, Clanton, Cocke, Crenshaw, H. C. Jones, Kimball, Lee, Malone, McLemore, Patton, Peterson, Watts and Webb.

Those who voted in the negative, are :

Messrs. Blake, Brindley, Frazier, Gay, Hendricks, Hobdy, Hewlett, Jemison, E. P. Jones, Kelly, Lamar, Powell, Searcy and Woodward.

Mr. Frazier reported favorably on the bill to regulate the sale of section 16, township 14, range 24, in Macon county.

The bill was ordered to a third reading.

Mr. Peterson reported a bill to pay John W. Bishop for contesting the seat of John H. Townsend at the session of 1847-48 of the Alabama Legislature; which was read the first time and ordered to a third reading. Yeas 17, nays 11.

Those who voted in the affirmative are :

Messrs. President, Acklen, Bethea, Bradford, Brindley, Clanton, Frazier, Gay, Hendricks, Jemison, E. P. Jones Kelly, Kimball, Lamar, Patton, Watts and Woodward.

Those who voted in the negative, are :

Messrs. Ashley, Baker, Blake, Cocke, Crenshaw, H. C. Jones, Lee, Malone, McLemore, Peterson and Webb.

Mr. Watts reported favorably on the bill for the further regulation of the collection of sixteenth section notes.

The report was laid on the table.

The further consideration of the bill was postponed until Wednesday, and made the special order for 12 o'clock of that day.

Mr. H. C. Jones reported a substitute for the bill to authorize the notes for the purchase of sixteenth section lands.

The bill was read the third time, and passed.

Mr. Woodward offered the following resolution :

Resolved, That with the concurrence of the House the two Houses will assemble in the hall of the House of Representatives, on Thursday next at 11 o'clock, to elect a chancellor for the northern chancery division, to fill the vacancy occasioned by the resignation of the Hon. E. D. Townes; which was adopted.

Mr. Jemison introduced a bill to make further appropriation for the completion of the Alabama Insane Hospital; which was read the first and second times and referred to the Committee on Finance.

Mr. Cocke introduced a bill to amend section 640 of the Code; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Cocke also introduced a bill to aid the Alabama and Mississippi River Rail Road Company; read the first and second times and referred to the Committee on Finance.

Mr. Watts introduced a bill to authorize the incorporation of a Benevolent and Charitable Association; read the first and second times and referred to the Committee on the Judiciary.

Mr. Watts also introduced a bill to incorporate the Alabama Bible Society; which was read the first, second and third times forthwith, and passed.

The Senate resumed the consideration of the bill to repeal section 2502 of the Code, and to modify the statute of limitations.

Mr. Baker moved to postpone the bill indefinitely; which was lost. Yeas 7, nays 21.

Those who voted in the affirmative, are:

Messrs. President, Baker, Bradford, Clanton, Frazier, E. P. Jones and Lamar.

Those who voted in the negative, are:

Messrs. Acklen, Ashley, Blake, Brindley, Cocke, Crenshaw, Hendricks, Hobdy, Jemison, H. C. Jones, Kelly, Kimball, Lee, McLemore, Patton, Peterson, Powell, Searcy, Watts, Webb and Woodward.

The bill was read the third time, and passed.

The Senate adjourned until half past 3 o'clock.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Cocke reported as correctly enrolled:

A bill to increase the salaries of certain officers therein named.

The bills:

To amend the charter of the Marion Rail Road Company, and to extend said road;

To authorize the sale of personal property for distribution;

To authorize the Governor to subscribe to a map of Alabama, to be published by D. W. Jones;

For the relief of Augustus Lilly of the county of Jackson;

For the relief of certain persons therein named;

To amend the law of and regulate the proceedings in admiralty of Alabama; were severally read the third time, and passed.

The bill to exempt from sale all necessary wearing apparel for the use of each family in this State, was read the third time.

Mr. McLemore moved to postpone the bill indefinitely; which was lost. Yeas 5, nays 20.

Those who voted in the affirmative, are:

Messrs. Ashley, Crenshaw, E. P. Jones, McLemore and Webb.

Those who voted in the negative, are:

Messrs. President, Acklen, Baker, Bethea, Blake, Bradford, Brindley, Cocke, Frazier, Hendricks, Hobdy, Kelly, Kimball, Lamar, Lee, Peterson, Searcy, Watts and Woodward.

The bill passed.

The bills

To prevent betting at pool tables and billiard tables;

To amend the charter of the Northern Bank of Alabama, at Huntsville;

For the relief of E. J. Greene, tax collector of Tallapoosa county;

To amend the charter of the town of Florence;

To amend an act to incorporate the North-east and South-west Alabama Rail Road Company, were severally read the third time and passed.

The bill to legalize a certain marriage therein named, and legitimize the issue, was read the second time and ordered to be engrossed.

The bill to amend the road laws in reference to Perry county, was read the second and third times forthwith and passed.

The consideration of the bill in aid of the Mobile and Ohio Rail Road Company, was postponed until to-morrow, and made the special order for 10 o'clock of that day.

The bill for the payment of certain claims against the State, was laid on the table.

The bills

To repeal section 778 of the code, which authorises the collection of two dollars as a county tax;

To exempt Enoch Albritton from penalty incurred under section 3095 of the code of Alabama;

To incorporate the German Fusileers' Benevolent Society of Mobile;

To authorise the holding of special terms of the circuit court in certain cases;

To explain sections 2027 and 2029 of the code, and for other purposes;

To change the punishment of larceny in certain cases;

To incorporate the Livingston Ice House Company;

To incorporate the village of Warrior Stand, in Macon county;

To amend section 1186 of the code of Alabama;

For changing the venue of issues pending in probate courts;

To incorporate the Selma and Mobile Rail Road Company; were severally the second time and referred to the Committee on the Judiciary.

The bills

To repeal section 2464 of the code, so far as it relates to Jefferson county and others;

To define the powers of circuit judges in certain cases, and for other purposes, were severally read the second time and referred to the Committee on the Judiciary.

The bills

To fix the pay of probate judge and sheriff of Dale county;

To regulate the sessions of the circuit and city courts of Mobile county, were severally read the second time and ordered to a third reading.

The bill to amend an act incorporating the Gulf and Atlantic Navigation Company, was read the second time and ordered to be engrossed.

The bills

To amend the charter of the Gainesville and Mississippi Road Company;

To authorise the executors of Claiborne Myers, deceased, to remove the administration of said estate from the county of Autauga to the county of Montgomery, were severally read the second and third times and passed.

The bills

For the relief of James Lumpkin, an Indian;

To fix the boundary line between the counties of Cherokee and Benton;

To authorise the administrator of James J. Pleasant, deceased, late of the county of Madison, to make sale of certain rights and credits of said deceased therein mentioned;

To extend the charter of the Alabama Life Insurance and Trust Company of Mobile;

For the relief of Patrick May;

For the preservation of game; were severally read the first, second and third times and passed.

The bills

To authorise Melsana Lightfoot, executrix of John E. Lightfoot, deceased, to invest the funds of said estate, &c.;

To amend the 17th clause of section 391 of the code of Alabama;

Relative to pay of witnesses in State cases;

To amend a certain clause of section 3146 of the code of Alabama;

To repeal an act passed and approved on the 9th of February, 1852, were severally read the second time and referred to the Committee on the Judiciary.

The bills

To repeal in part an act therein named, and to authorise the commissioners' court of Talladega, Blount and other counties to change or establish election precincts therein;

For the relief of Thomas Brown of Lauderdale county, and John Tyler of Jefferson county, were severally read the second time and laid on the table.

The joint memorial to the Congress of the United States, was read the second time and referred to the Committee on Federal Relations

The bills

To regulate the practice in the circuit courts of Washington and Baldwin;

To establish a Botanic medical board in the county of Russell, were severally read the first time and ordered to a second reading.

The bills

To increase the compensation of the members of the commissioners' court of Russell and other counties;

To regulate the election and compensation of commissioner of roads and revenue in the county of Covington;

To regulate the pay of jurors and witnesses in Dale county, were severally read the second time and ordered to a third reading.

The bill to remunerate James G. Carroll for certain services rendered to the State, was read the second and third times and passed.

The bill to compensate Jordan and Moore, lessees of the penitentiary, was read the second time and ordered to be engrossed.

The bills

To incorporate the Wetumpka and Montevallo Rail Road Company;

To incorporate the South and North Alabama Rail Road Company;

To incorporate the Uniontown Rail Road Company, were severally read the second time and referred to the Committee on Inland Navigation;

The bill to incorporate a society for the relief of the destitute clergyman, the widows and orphans of deceased clergymen of the Methodist Episcopal Church, was read the second time and laid on the table.

And the Senate adjourned until to-morrow morning 10 o'clock.

FEBRUARY, 8, 1854.

Senate met pursuant to adjournment.

A message from the Governor by Mr. Whitfield:

Mr. President: His excellency the Governor has approved the following bills, which originated in the Senate:

An act to amend the charter of the town of Huntsville;

An act to increase the salaries of certain officers therein named.

Message from the House by Mr. Elmore:

Mr. President: The House has passed bills of the following titles, which originated in the Senate:

For the relief of the Hon. D. G. Ligon;

To incorporate the Selma Insurance and Trust Company;

For the relief of the executors of Ezekiel Thomas, deceased, late of Cherokee county;

To increase the compensation of the marshal of the supreme court of Alabama.

Mr. Acklen presented the petition of John B. Eldridge; which was referred to the Committee on propositions and Grievances.

Mr. Watts presented an account; which was referred to the Committee on Accounts.

Mr. H. C. Jones presented the memorial of John F. Abernathy and others; which was referred to the Committee on Education.

The Senate resumed the consideration of the bill to incorporate the Central Bank of Alabama.

Mr. Baker moved to fill the blank of the substitute offered by

the committee with "Montgomery;" which was carried. Yeas 17, nays 14.

Those who voted in the affirmative, are:

Messrs. President, Ashley, Baker, Clanton, Crenshaw, Frazier, Gay, Hendricks, Hobdy, H. C. Jones, Kimball, Lamar, McLe-more, Peterson, Powell, Searoy and Watts.

Those who voted in the negative, are:

Messrs. Acklen, Blake, Bradford, Brindley, Cocke, Hewlett, Jemison, E. P. Jones, Kelly, Lee, Malone, Patton, Webb and Woodward.

Mr. Crenshaw moved that the substitute be laid on the table; which was carried.

Mr. Crenshaw moved to reconsider the vote ordering to a third reading the bill to fix the pay of the probate judge and sheriff of Dale county; which was carried.

Mr. Searoy moved to amend by substitute; which was adopted.

The bill was read the third time, and passed.

And the Senate adjourned until half past 3 o'clock.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Message from the Governor by Mr. Whitfield—

HON. WM. B. MARTIN,

President of the Senate:

SIR: The bill to legalize a marriage between David Humphreys and Martha Griffin by legislative enactment, is, according to my construction of the constitution an assumption on the part of the legislature, of a power belonging to the Executive Department of the State Government and therefore unconstitutional.

The constitution further provides that divorces shall only be had by suits in chancery, which it does not appear has been had in this case.

In cases of like character which have been returned to the legislative department I have given at some length my objections, both to the constitutionality as well as to the expediency of the passage of such special enactments, by which certain parties are made exempt from penal laws of a general character. I consider the passage of such acts as destructive of good morals and contrary to public policy, as well as in conflict with the letter and spirit of the constitution, and therefore withhold my assent to the bill.

JOHN A. WINSTON.

Mr. Cocke reported as correctly enrolled:

Memorial of the legislature of the State of Alabama on the subject of a mail route between Montevallo and Chattanooga;

A bill to incorporate the Pickensville Academy;

For the relief of George S. Greene;

To incorporate the Beard's Bluff and Elyton Rail Road Company;

To authorize the Bank of Mobile and the Southern and Northern Banks of Alabama to issue bills of a less denomination than five dollars;

To amend section 3440 of the Code of Alabama;

To amend the charter of the Gainesville Female Academy;

To repeal so much of the Code of Alabama as prohibits the circulation of bank bills of other States of less denomination than five dollars;

For the purpose of establishing an election precinct in the county of Marion, and for other purposes;

To establish a company beat with less than forty privates in Blount county, and for other purposes;

For the relief of Nancy Pace of Coffee county;

To amend sections 3047, 1183, 3046 and 3043 of the Code of Alabama in their application to the county of Madison;

To amend the law in relation to attachments against foreign corporations;

To provide for the resurveying of the town of Greenville in Butler county;

Joint resolution on the subject of the boundary between the States of Alabama and Georgia;

To divorce Elizabeth B. Simonds from her husband, Edward Simonds;

To extend the boundaries of the town of Decatur in Morgan county, and for other purposes;

To regulate the circuit court for the county of Choctaw;

To amend the charter of the La Fayette Branch Rail Road Company;

For the relief of the Hon. D. G. Ligon;

To increase the compensation of the marshal of the supreme court of Alabama;

For the relief of the executors of Ezekiel Thomas, deceased, late of Cherokee county;

To amend section 397 of the Code;

Authorizing courts of county commissioners to establish, abolish and change the places of voting in election precincts;

To authorize Lewis Alexander, judge of probate in Macon county, to act as guardian;

For the relief of John S. Weaver;

In relation to the taxes in Mobile county;

To authorize the construction of a Plank or Shell Road along the bay of Mobile.

The Senate resumed the consideration of the bill to incorporate the Central Bank of Alabama.

Mr. Watts moved to amend, as follows:

Strike out "eight hundred and thirty four" in section 1, and

insert "one million five hundred thousand;" which was carried. Yeas 21, nays 11.

Those who voted in the affirmative are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Clanton, Cocke, Crenshaw, Gay, Hendricks, Hobdy, H. C. Jones, Kimball, Lamar, Malone, McLemore, Patton, Peterson, Powell, Searcy and Watts.

Those who voted in the negative are:

Messrs. Blake, Bradford, Brindley, Frazier, Hewlett, Jemison, E. P. Jones, Kelly, Lee, Webb and Woodward.

The same amendment was made in section four of the bill.

Mr. Jemison moved to amend, as follows:

That if in twelve months from the passage of this act the capital stock of the bank, by this act incorporated, be not taken and the bank go into operation as by it's charter authorized, then the capital stock of said bank shall be reduced to seven hundred and fifty thousand dollars, two fifths of which shall be reserved to the State; and upon two hundred thousand dollars being subscribed and one half of said amount paid in gold or silver, as by this act required and the same made known to the satisfaction of the Governor, the bank may be located in any other city or town selected and designated by the stockholders, and the bank being so located the provisions of this charter shall apply thereto in all its provisions, (except in amount of capital stock,) in all respects as though the name of location were inserted in this act instead of the city of Montgomery.

Mr. Baker moved to lay the amendment on the table; which was lost. Yeas 14, nays 18.

Those who voted in the affirmative are:

Messrs. President, Ashley, Baker, Bethea, Clanton, Crenshaw, Hobdy, H. C. Jones, Kelly, Kimball, McLemore, Peterson, Searcy and Watts.

Those who voted in the negative are:

Messrs. Acklen, Blake, Bradford, Brindley, Cocke, Frazier, Gay, Hendricks, Hewlett, Jemison, E. P. Jones, Lamar, Lee, Malone, Patton, Powell, Webb and Woodward.

Mr. Watts moved to amend, as follows:

Strike out "one" and insert "two" in the seventh line of the sixteenth section; which was carried.

Mr. Watts moved to insert the word "shall" before "less" in the same line; which was carried.

The Senate adjourned until to-morrow morning, 10 o'clock.

FEBRUARY, 9th, 1854.

The Senate met pursuant to adjournment.

Mr. Patton presented the account of General W. W. Girard and others; which was referred to the Committee on Indian Expenditures.

Message from the House of Representatives by Mr. Elmore—
Mr. President: The House has originated and passed the following bills:

- For the relief of William Conoway;
- To regulate the practice in justices courts in the county of DeKalb;
- For the relief of James Martin, tax collector for Dale county;
- To incorporate a cemetery company in the county of Mobile;
- To amend the proceedings of the city court of Mobile;
- To revive the acts incorporating the town of Warrenton in Marshall county;
- To define the line between DeKalb, Jackson and Marshall counties;
- To furnish the judge of probate of Coffee county with the Alabama Reports;
- To provide for the payment of jurors in certain cases;
- For the relief of James Williams, appropriating one hundred and fourteen dollars;
- To amend the school law of Mobile county;
- To legalize a certain marriage therein named, and for other purposes;
- To authorize Mrs. Mary Marshall, administratrix of Abram Marshall, deceased, to sell certain real estate therein named;
- To authorize the probate judge of Madison county to act as guardian in certain cases;
- For the relief of Alexander A. McCartney of Morgan county;
- To divorce certain persons therein named;
- To declare Henry Criswell a liner between the counties of Talladega and Benton, and for other purposes;
- And Senate bills of the following titles:
 - To authorize the Governor to issue a land patent to Alfred Griffin of Jefferson county;
 - To repeal in part an act to make the county treasurer of Madison and others elected by the people, approved January 15, 1852;
 - To further amend the charter of the Mobile Navigation and Mutual Insurance Company;
 - To give the election of the county treasurer of Chambers county to the people;
 - To amend the road laws in reference to Perry county;
 - To amend section 1805 of the Code in relation to annual settlements;
 - To authorize, garnishments to be issued by justices of the peace;
 - To amend section 2677 of the Code in relation to the partition of land;

A bill in regard to injunctions;

To compensate Erasmus N. Mathews, agent of the State of Alabama, for locating certain lands;

A bill constituting Seaborn W. Harwell and Samuel B. Harwell liners; &c.;

A joint memorial to the Congress of the United States;

Memorial and joint resolutions in regard to the public lands;

To incorporate the Alabama Coal Mining Company;

For the relief of David R. Loper of Montgomery county;

To incorporate the Western Rail Road Company of Alabama;

To amend section 2029 of the Code of Alabama;

To modify an act entitled an act to aid the Alabama and Mississippi River Rail Road Company;

To incorporate the Grand Temple of Honor of the State of Alabama and its subordinates;

To amend section 917 of the Code of Alabama relative to pilotage;

To pay Harrell Hobdy a certain sum of money;

To establish a medical board in the county of Cherokee;

Better to regulate the practice of medicine under the Botanic system in this State;

To incorporate the Hydropathic Medical Institute of Alabama;

To authorize the appointment of constables in certain cases;

To incorporate the Bellville Male and Female Academy, and for other purposes;

To incorporate the town of Waterloo in the county of Lauderdale.

Mr. Brindley moved to suspend the morning business in order to take up the resolution heretofore offered by himself, declaring it as the opinion of the Senate that the members are not entitled to per diem or mileage, because of the recess of the general assembly; which was carried. Yeas 19, nays 11.

Those who voted in the affirmative, are:

Messrs. President, Ashley, Bethea, Blake, Bradford, Brindley, Clanton, Gay, Hobdy, Jemison, Kelly, Lamar, Lee, McLemore, Patton, Peterson, Powell, Searcy and Woodward.

Those who voted in the negative, are:

Messrs. Acklen, Baker, Cocke, Crenshaw, Frazier, Hendricks, E. P. Jones, H. C. Jones, Malone and Webb.

Mr. Webb moved a substitute for said resolution, as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire and report to the Senate whether the members of the Senate be entitled to per diem pay for the time during the recess by the adjournment of the Senate on the 20th day of December to the 9th day of January, 1854, and whether the members of the Senate be allowed to draw the mileage allowed by law for

travelling to and from the seat of government; which was adopted.

The Senate resumed the consideration of the bill to incorporate the Central Bank of Alabama. Leave being granted, Mr. Jemison withdrew his amendment. Yeas 25, nays 6.

Those who voted in the affirmative are:

Messrs. Acklen, Ashley, Baker, Bethea, Bradford, Clanton, Cocke, Crenshaw, Gay, Hendricks, Hobdy, Hewlett, H. C. Jones, Kelly, Kimball, Lamar, Lee, Malone, McLemore, Patton, Peterson, Powell, Searcy, Watts and Webb.

Those who voted in the negative are:

Messrs. President, Blake, Brindley, Frazier, E. P. Jones and Woodward.

The bill to aid the Tennessee and Coosa River Rail Road Company, was laid on the table.

The hour of 11 having arrived a message was received from the House, inviting the Senate into the hall of the House, for the purpose of electing a chancellor for the northern division of Alabama.

The Senate repaired to the hall of the House, and the two Houses proceeded to elect a chancellor for the northern division of Alabama. A. J. Walker, J. D. Cabiness, Lemuel Cook, and Lewis Wyeth being in nomination.

FIRST BALLOT.

Those who voted for Mr. Cook, are:

Messrs. Hewlett, E. P. Jones, H. C. Jones and Malone of the Senate; and Messrs. Allen, Burnett, Carroll, Hanserd, Hubbard, Irwin of Walker, Lawrence of Fayette, Lindsey, Musgrove, Pickett, Reynolds, Rhodes, Vest and Watkins of the House of Representatives—18.

Those who voted for Mr. Wyeth, are:

Messrs. Blake, Brindley, Frazier, Lamar, Lee and Woodward of the Senate; and Messrs. Alldredge, Camp, Fletcher, Gilbreath, Henry, A. Holly, Humphreys, Johnson, Murphy, Newman, Odom, and St. John of the House of Representatives—18.

Those who voted for Mr. Walker, are:

Messrs. President, Bethea, Bradford, Clanton, Gay, Hendricks, Hobdy, Kelly, Powell and Searcy of the Senate; and Messrs. Speaker, Agee, Bell, Belser, Bishop, Clifton, Cochran, Cook, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Firdley, Foreman, Foscue, Fox, Goodin, Hall, Hays, R. H. J. Holly, Judge, Lawrence of Cherokee, Lawrence of Shelby, McBryde, Meek, Newell, Owen, Payne, Robinson, Rutherford, Sanford, Skelton, Sterritt, Talbert, Thornton, Weaver, Whitsitt, Wills and Yelverton of the House of Representatives—50.

Those who voted for Mr. Cabiness, are:

Messrs. Acklen, Ashley, Baker, Cocke, Crenshaw, Jemison,

Kimball, McLemore, Patton, Peterson, Watts and Webb of the Senate; and Messrs. Abercrombie, Benners, Brown, Calhoun, Cole, Comer, Cowan, Creagh, Garth, Gillam, Greene, Hill, Horn, Inge, Jay, Laughinghouse, McCall of Barbour, McCall of Choctaw, Nelms, Scott, Todd, Walker of Lauderdale, Walker of Mobile and Webb of the House—36.

SECOND BALLOT.

Those who voted for Mr. Wyeth, are:

Messrs. Brindley, Frazier, Lamar and Lee of the Senate; and Messrs. Aldredge, Camp, Fletcher, Gilbreath, Henry, A. Holly, Humphreys, Johnson, Murphy, Newman, Odom and St. John of the House—16.

Those who voted for Mr. Walker, are:

Messrs. President, Bethea, Blake, Bradford, Clanton, Gay, Hendricks, Hobdy, Kelly, Powell, Searcy and Woodward of the Senate; and Messrs. Speaker, Agee, Bell, Belser, Bishop, Burnett, Clifton, Cochran, Cook, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Findley, Foreman, Foscue, Fox, Gibson, Goodin, Hall, R. H. J. Holly, Irwin of Walker, Judge, Lawrence of Cherokee, Lawrence of Shelby, McBryde, Meek, Musgrove, Newell, Owen, Payne, Reynolds, Robinson, Rutherford, Sanford, Skelton, Sterrit, Talbert, Thornton, Weaver, Whitsitt, Wills and Yelverton of the House—56.

Those who voted for Mr. Cabiness, are:

Messrs. Acklen, Ashley, Baker, Cocke, Crenshaw, Jemison, Kimball, McLemore, Patton, Peterson, Watts and Webb of the Senate; and Messrs. Abercrombie, Benners, Brown, Calhoun, Cole, Comer, Cowan, Creagh, Garth, Gillam, Greene, Hays, Hill, Horn, Inge, Jay, Laughinghouse, McCall of Barbour, McCall of Choctaw, Nelms, Pickett, Scott, Todd, Walker of Lauderdale, Walker of Mobile and Webb of the House—38.

THIRD BALLOT.

Those who voted for Wyeth, are:

Messrs. Frazier and Lamar of the Senate; and Messrs. Aldredge, Fletcher, Gilbreath, St. John and Vest of the House of Representatives—8.

Those who voted for Mr. Walker, are:

Messrs. President, Bethea, Blake, Bradford, Brindley, Clanton, Gay, Hendricks, Hobdy, E. P. Jones, H. C. Jones, Kelly, Powell, Searcy and Woodward of the Senate; and Messrs. Speaker, Agee, Bell, Belser, Bishop, Burnett, Camp, Carroll, Clifton, Cochran, Cook, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Findley, Foreman, Foscue, Fox, Gibson, Gillam, Goodin, Hall, Hanserd, Hays, Hill, R. H. J. Holly, Hubbard, Irwin of

Walker, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McBryde, Meek, Murphy, Musgrove, Newell, Newman, Owen, Payne, Reynolds, Robinson, Rutherford, Sanford, Skelton, Sterritt, Talbert, Thornton, Todd, Weaver, Whitsitt, Wills and Yelverton of the House—70.

Those who voted for Mr. Cabiness, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, Jemison, Kimball, Lee, Malone, McLemore, Patton, Peterson, Watts and Webb of the Senate; and Messrs. Abercrombie, Allen, Benners, Brown, Calhoun, Cole, Comer, Cowan, Creagh, Garth, Greene, Henry, A. Holly, Horn, Judge, Jay, Laughinghouse, Lindsey, McCall of Barbour, McCall of Choctaw, Nelms, Odom, Pickett, Rhodes, Scott, Walker of Lauderdale, Walker of Mobile, Watkins and Webb of the House—44.

Mr. Walker having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected chancellor of the northern chancery division for the term prescribed by the constitution.

The Senate returned to its chamber.

Message from the Governor by Mr. Whitfield—

EXECUTIVE CHAMBER,

January 28, 1854.

Hon. WM. B. MARTIN,

President of the Senate:

SIR: The bill to legalize a marriage between David Humphreys and Martha Griffin by legislative enactment, is, according to my construction of the constitution, an assumption on the part of the legislature of a power belonging to the executive department of the State Government and therefore unconstitutional.

The constitution further provides that divorces shall only be had by suit in chancery, which it does not appear has been had in this case.

In cases of like character, which have been returned to the legislative department, I have given at some length my objections both to the constitutionality as well as to the expediency of the passage of such special enactments by which certain parties are made exempt from laws of a general character. I consider the passage of such acts as destructive to good morals, and contrary to public policy, as well as in conflict with the letter and spirit of the constitution, and therefore withhold my assent from the bill.

JOHN A. WINSTON.

The question was again taken, shall the bill to legalize the marriage between David Humphreys and Martha Griffin pass, notwithstanding the Governor's veto?

The Senate refused to pass the bill. Yeas 14, nays 17.

Those who voted in the affirmative, are:

Messrs. Ashley, Baker, Bradford, Cocke, Frazier, Gay, Hen-

Hendricks, Hobdy, E. P. Jones, Kimball, Lamar, McLemore, Peterson and Searcy—14.

Those who voted in the negative are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Clanton, Crenshaw, Hewlett, Jemison, H. C. Jones, Kelly, Kimball, Malone, Powell, Watts, Webb and Woodward—17.

The Senate resumed the consideration of the bill to authorize the burning of certain bank notes of the State Bank and branches.

The question pending offered by Mr. Brindley, as follows:

SEC. 3. *And be it further enacted*, That said state treasurer shall keep said notes of the State Bank and branches, not mutilated, in the treasury until he or the Governor or a majority of them shall think it expedient and not in conflict with the constitution to put them into circulation again.

The Senate refused to adopt the amendment. Yeas 11, Nays 18.

Those who voted in the affirmative are:

Messrs. Bethea, Blake, Brindley, Gay, Jemison, E. P. Jones, McLemore, Patton, Powell, Searcy and Woodward.

Those who voted in the negative are:

Messrs. President, Acklen, Ashley, Baker, Bradford, Clanton, Cocke, Crenshaw, Frazier, Hendricks, Hobdy, H. C. Jones, Kelly, Kimball, Lamar, Lee, Peterson and Watts—18.

The bill was read the third time, and passed.

The Senate resumed the consideration of the bill to provide for the permanent investment of the funds belonging to the several townships of this State for the use of schools.

Mr. Cocke moved to amend by way of substitute.

Ordered, that the bill and substitute be laid on the table.

Mr. Ashley offered the following resolution:

Resolved, That hereafter the Senate shall meet at 10 o'clock, a. m., and adjourn at half past 1, p. m.; meet again at 3 o'clock, p. m. and adjourn at half past 5, p. m.; lies one day on the table.

The bill for the relief of Ezekiel F. Gore, late tax collector of Pickens county, was read the first, second and third times, and passed:

And the Senate adjourned until half past 3, p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The bills:

To regulate the sessions of the circuit and city courts of Mobile county;

To regulate the election and compensation of the commissioners of roads and revenue in the county of Covington;

To increase the compensation of the members of the commissioners' court for Russell and other counties ;

To regulate the sale of section 16, township 14, and range 24 of Macon county ;

To regulate the pay of jurors and witnesses in Dale county, &c.;

To legalize a certain marriage therein named, and legitimate the issue;

To amend an act incorporating the Gulf and Atlantic Navigation Company, and for other purposes ;

For the compensation of Jordan and Moore, lessees of the Alabama penitentiary, were severally read the third time, and passed.

A message from the Governor by Mr. Whitfield, his private secretary :

EXECUTIVE OFFICE,
Montgomery, February 9th, 1854. }

To the Senate:

The bill to be entitled "An act for the relief of Thomas Golden, of Madison county," proposes to relieve a man convicted of the crime of grand larceny of a part of the penalties consequent of each conviction.

I have, on bills heretofore returned to the legislative department, endeavored to show that an exercise, either in part or wholly by the legislature, of the power of releasing those suffering under a conviction, or charged with a violation of the penal laws, was contrary to the fundamental law which has conferred that power on the executive.

The power of pardoning is to release or absolve an offender from the liabilities to suffer punishment ; a part of the penalty to a conviction of grand larceny is a forfeiture of political and civil privileges.

If it is in the power of the legislative branch to relieve a convict of one part of the consequences of a conviction, they have equally the power to relieve as to others, and it follows that they would be as competent to relieve his person from physical restraint by restoration to liberty, as to restore forfeited privileges ; a power which has heretofore been exercised by the executive only.

Acts of a similar character may be quoted as precedents, for which most members of the legislature may have voted.

But it was when the constitutional question was not raised, and had not been clearly scrutinized.

I again call the attention of the Senate to the first and second sections of the second article, and the eleventh section, fourth article of the constitution.

The party intended to be relieved, was convicted of grand larceny by a jury of his countrymen. I have had no showing made to me to authorise me to relieve him ; and as I hold the power by the constitution, I cannot give my approval to the bill.

It is a matter of grave responsibility on the part of the executive to differ so often with the legislative department ; but having to observe the solemn obligation, I shall endeavor fearlessly to discharge my duty, with a conscious sense of the correctness of my positions, and the integrity of the motive which controls me.

JOHN A. WINSTON.

The bills

To repeal certain acts therein named ;

To furnish the judge of Coffee county with the Alabama Reports ;

To incorporate a cemetery company in the county of Mobile ;

For the relief of James Martin, tax collector of Dale county ;

To regulate the practices in justices' courts in the county of DeKalb, were severally read the first, second and third times and passed.

The bill to legalize a certain marriage therein named, was read the first, second and third times.

The Senate refused to pass the bill. Yeas 11, nays 19.

Those who voted in the affirmative are :

Messrs. Ashley, Baker, Bradford, Clanton, Gay, Hendricks, Hobdy, E. P. Jones, Kimball, Powell and Searcy.

Those who voted in the negative, are :

Messrs. President, Acklen, Bethea, Blake, Brindley, Cocke, Crenshaw, Frazier, Hewlett, Jemison, H. C. Jones, Kelly, Lamar, Malone, Patton, Peterson, Watts, Webb and Woodward.

The bills

To authorise Mary Marshall, administratrix of Abram Marshall, to sell certain real estate ;

To amend the school law in Mobile county ; and

For the relief of James Williams, appropriating one hundred and fourteen dollars, were severally read the first, second and third times and passed.

The caption of the last bill was amended.

The bill to amend and explain the charter of the Mobile and Spring Hill Plank or Shell Road, was read the first and second times and referred to the Committee on Internal Improvement.

The bills

To incorporate the Mobile Female Select Institute, in the city and county of Mobile ;

To incorporate the Broad Street Hotel Company of Selma ;

To authorise the judge of probate of Madison county to act as guardian in certain cases, were read the first, second and third times and passed.

The bill to divorce certain persons therein named, was read the first and second times and referred to the Committee on Divorce and Alimony.

Joint memorial to Congress, asking an appropriation of lands for a geological survey ; and

Joint resolutions endorsing the action of the harbor improvement meeting recently held in the city of Mobile, were severally read the first, second and third times and passed.

The bill to amend an act establishing jury trials in justices' courts in the counties of DeKalb and Cherokee, and for other purposes, was read the first and second times and referred to the Committee on the Judiciary.

The bills

To incorporate the Montgomery Water Works Company ;
 To amend the proceedings in the city court of Mobile ;
 To provide for the payment of jurors in certain cases ;
 For the relief of Alexander A. McCartney of Morgan county,
 were severally read the first and second times and referred to the Committee on the Judiciary.

Message from his excellency the Governor, by Mr. Whitfield, his private secretary :

Mr. President: His excellency, the Governor, has approved the following bills, which originated in the Senate :

An act for the relief of Hon. D. G. Ligon ;

An act for the relief of Ezekiel Thomas, deceased, late of Cherokee county ;

An act to incorporate the Opelika and Talladega Rail Road Company ;

An act incorporating the town of Opelika ;

An act to amend the charter of the Lafayette Branch Rail Road Company ;

And his excellency also returns to the Senate, the body in which it originated, the bill to be entitled "an act for the relief of Thomas Golden of Madison county," and with it his objections to the same.

The bills

To incorporate the Hollywood House Company ;

To authorise the payment of fines and forfeitures in county claims in the county of Hancock ;

For the relief of Robert H. Howard and James E. Burnett, executors of Harmony Lamar, deceased ;

To aid the Mobile and Ohio Rail Road Company ;

For the relief of Wm. Connaway ;

To incorporate the town of Warrenton in Marshall county ;

To authorise the corporate authorities of the city of Mobile to regulate wharves and wharfinger in said city ;

To change the names of certain persons ;

For the relief of Lewis Parker of Lawrence county ;

To incorporate the Trustees of Friendship School, in the county of Wilcox ;

To restore the rights of citizenship of John Greene of Wilcox ;

To authorise the sale of extra copies of the twenty-second volume of the decisions of the supreme court, were severally read the first time and ordered to a second reading.

To declare Henry Criswell a liner between the counties of Talladega and Benton, and for other purposes, was read the first and second times.

Mr. Bradford moved an amendment; which was adopted.

The bill was then read the third time and passed.

The bills

To consolidate the offices of assessor and tax collector of Walker county;

To define the liabilities of overseers and apportioners, to perform road duty in the county of Tuscaloosa;

To legalize a sale of part of section 16, township 23, range 26, in chambers county;

To provide for the formation of a new company beat in the county of Fayette, and for other purposes, were severally read the first, second and third times and passed.

The motion to reconsider the vote taken on the passage of the bill to amend the charter of the Northern Bank of Alabama, was again put.

The Senate refused to reconsider. Yeas 8, nays 19.

Those who voted in the affirmative, are:

Messrs. President, Brindley, Crenshaw, Gay, Hendricks, Hewlett, Webb and Woodward.

Those who voted in the negative, are:

Messrs. Acklen, Ashley, Baker, Bethea, Bradford, Cocke, Frazier, Hobdy, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Malone, McLemore, Patton, Peterson, Powell and Watts.

The bill to establish a Botanic medical board in the county of Blount, was read the second time and laid on the table.

The question was again taken on the passage of the bill for the relief of Thomas Golden of Madison county, said bill having been vetoed by the Governor.

The Senate refused to pass the bill. Yeas 15, nays 12.

Those who voted in the affirmative, are:

Messrs. Acklen, Ashley, Baker, Bethea, Bradford, Clanton, Hendricks, Hobdy, E. P. Jones, Kimball, Lamar, McLemore, Patton, Peterson and Watts.

Those who voted in the negative, are:

Messrs. President, Blake, Brindley, Cocke, Crenshaw, Gay, Hewlett, H. C. Jones, Kelly, Malone, Webb and Woodward.

The bills

To prevent the deposit of dead animals in the streams of this State;

To repeal an act entitled an act to provide for the compensation of jurors and witnesses in the county of Tuscaloosa;

To define the line between DeKalb county, Jackson county and Marshall county;

To regulate the practice in the circuit courts in the counties of Washington and Baldwin, were severally read the first and second times ordered to a third reading.

And the Senate adjourned until to-morrow morning, 10 o'clock.

FEBRUARY, 10, 1854.

Senate met pursuant to adjournment.

Mr. Acklen presented the petition of John J. Coleman of the county of Madison; which was referred to the Committee on Accounts.

Mr. Blake, from the Judiciary Committee, reported favorably on the bill to incorporate the village of Warrior Stand in Macon county.

The bill was ordered to be engrossed.

Mr. Blake reported favorably on the bill to amend section 640 of the code.

The bill was ordered to be engrossed.

Mr. Blake reported unfavorably on the bill to repeal section 778 of the code, which authorises the collection of two dollars as a county tax.

The report was concurred in.

Mr. Blake reported favorably on the bill to amend section 486 of the code.

The report was concurred in, and the bill was read the third time and passed.

Mr. Blake reported favorably on the bill for changing the venue in issues pending in probate courts.

Mr. Brindley offered the following amendment:

And be it further enacted, That a change or removal of trials before justices of the peace, shall be allowed as in other cases in the circuit courts, and as nearly as may be by the same rules.

The amendment was lost, and the bill was ordered to be engrossed.

Mr. Blake reported unfavorably on the petition of Mrs. Ward.

The report was concurred in.

Mr. Blake reported unfavorably on the bill to amend the seventeenth clause of the 391st section of the Code.

The report was not concurred in, and the bill was ordered to be engrossed.

Mr. Blake reported unfavorably on the bill to exempt Enoch A. Albritton from the penalty incurred under section 3095 of the Code.

Mr. President (Mr. Acklen in the chair) offered the following amendment:

And be it further enacted, That the provisions of this act are hereby extended to Caswell C. Capshaw and Wm. H. Cobb of the county of St. Clair.

Mr. Jemison raised a question of order, that a bill for the relief of parties named in the amendment proposed having been returned to the Senate with the executive veto, and the veto sustained by the Senate, and this rejected, the same bill or any measure sub-

stantially the same cannot again be entertained by the Senate at the same session, whether by amendment or separate bill; the chair decided that the amendment was in order, from which decision Mr. Jemison appealed, and the chair was sustained. Yeas 17, nays 10.

Those who voted in the affirmative are:

Messrs. President, Ashley, Baker, Bradford, Brindley, Clanton, Cocke, Hendricks, Hobdy, E. P. Jones, Kimball, Lamar, Patton, Peterson, Powell, Watts and Webb—17.

Those who voted in the negative are:

Messrs. Bethea, Crenshaw, Frazier, Hewlett, Jemison, H. C. Jones, Kelly, Malone, McLemore and Woodward—10.

The amendment was adopted, and the bill was ordered to a third reading.

The Senate resumed the consideration of the bill for the further regulation of the collection of sixteenth section notes.

Mr. Webb moved to strike out the first section of the bill; which was lost. Yeas 11, nays 15.

Those who voted in the affirmative are:

Messrs. Acklen, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Lamar, Malone, Patton, Webb and Woodward—11.

Those who voted in the negative are:

Messrs. President, Bethea, Bradford, Clanton, Frazier, Gay, Hendricks, Hobdy, Jemison, Kelly, Kimball, McLemore, Powell, Searcy and Watts—15.

Mr. Watts moved to strike out section three of the bill and insert the following:

SEC. 3. That the attorney general shall be entitled to a commission of two and a half per cent., and no more, which shall be collected out of the defendant or defendants in every judgment in addition to the amount of the judgment, and shall be taxed in the bill of costs and shall be collected as other costs.

The amendment was adopted. Yeas 19, nays 9.

Those who voted in the affirmative are:

Messrs. President, Ashley, Bethea, Brindley, Clanton, Cocke, Crenshaw, Frazier, Gay, Hendricks, Hobdy, Jemison, Kelly, McLemore, Patton, Peterson, Watts and Woodward—19.

Those who voted in the negative are:

Messrs. Acklen, Baker, Blake, Bradford, Hewlett, E. P. Jones, H. C. Jones, Lamar and Webb—9.

Mr. Watts moved to amend further, as follows:

And on all suits under fifty dollars a commission of five per cent. shall be allowed and collected as costs as before provided.

Mr. Cocke moved to strike out five and insert "two and a half" in the amendment; which was carried. Yeas 19, nays 12.

Those who voted in the affirmative are:

Messrs. Baker, Bethea, Blake, Bradford, Clanton, Cocke, Crenshaw, Frazier, Gay, Hendricks, Hewlett, H. C. Jones, Kelly, Kimball, Lamar, Patton, Peterson, Webb and Woodward—19.

Those who voted in the negative are:

Messrs. President, Acklen, Ashley, Brindley, Hobdy, Jemison, E. P. Jones, Malone, McLemore, Powell, Searcy, and Watts—12.

The amendment as amended was adopted, and the bill was lost. Yeas 14, nays 16.

Those who voted in the affirmative are:

Messrs. President, Bethea, Brindley, Clanton, Gay, Hendricks, Hobdy, Jemison, Kelly, Kimball, McLemore, Powell, Searcy and Watts—14.

Those who voted in the negative are:

Messrs. Acklen, Ashley, Baker, Blake, Bradford, Cocke, Crenshaw, H. C. Jones, E. P. Jones, Hewlett, Lamar, Malone, Patton, Peterson, Webb and Woodward—16.

A message from the Governor by Mr. Whitfield—

Mr. President: His excellency, the Governor, has approved the following bills which originated in the Senate:

An act to authorize the Governor to issue a land patent to Alfred Griffin of Jefferson county;

An act to give the election of the county treasurer of Chambers county to the people;

An act to amend the road laws in reference to Perry county;

An act to repeal in part an act to make the county treasurer of Madison county and others elected by the people, approved January 15, 1852;

An act to incorporate the Selma Insurance and Trust Company.

The Senate then adjourned until 3½, p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. McLemore introduced the bill to give additional power to the corporate authorities of the town of Cusseta; which was read the first, second and third times forthwith, and passed.

Mr. Powell introduced the bill to extend the time of holding the circuit court of Coosa county; which was read the first and second times.

Mr. Watts moved to amend, as follows:

That the circuit court of Autauga county at the spring term, 1854, shall have an additional week, and that at the spring term, 1854, the circuit court of Coosa county shall commence one week later than the time now fixed by law, and that at the fall term, 1854, the circuit court of Coosa county shall commence at the time now fixed by law, and may continue in session two weeks, and may continue for two weeks at each subsequent term.

Mr. Powell moved to lay the amendment on the table; which was carried. Yeas 12, nays 7.

Those who voted in the affirmative are:

Messrs. President, Baker, Blake, Bradford, Brindley, Clanton,

Hendricks, Hewlett, E. P. Jones, Malone, Powell, Webb and Woodward—12.

Those who voted in the negative are :

Messrs. Ashley, Crenshaw, Hobdy, Jemison, H. C. Jones, Patton and Watts—7.

The bill was referred to the Committee on the Judiciary.

Mr. Baker introduced the bill to authorize a loan by the State of three hundred thousand dollars to the Girard and Mobile Rail Road Company.

The bill was read the first and second times, and referred to the Committee on Internal Improvement.

Mr. Watts introduced the bill to amend sections 2824, 2825, 2826, 2827, 2828 and 2829 of the Code.

The bill was read the first, second and third times, and passed.

Mr. Baker introduced the bill to authorize the administrator of Robert Drummond to remove the administration from the county of Russell to the county of Mobile.

Mr. Jemison introduced the bill to provide for the election of an additional constable in the Tuscaloosa election precinct.

Mr. Watts introduced the bill to repeal section 2330 of the Code, and for other purposes; which were severally read the first, second, and third times, and passed.

Mr. Bethea introduced the bill to be entitled an act concerning the revenue of Mobile county; which was read the first and second times and referred to the Committee on Finance.

Mr. Watts introduced the bill to relieve sheriffs from giving additional bond and security when the administration of estates are committed to their hands; read first and second times and referred to the Committee on the Judiciary.

Mr. Acklen introduced the bill to amend the law in relation to the statute of limitations; read the first and second times and referred to the Committee on the Judiciary.

Mr. Acklen introduced the bill to authorize the removal of the property of the estate of John W. Otey, deceased.

The bill was read the first, second and third times and passed.

Mr. Patton, from the Committee on Internal Improvement, reported with an amendment the bill to incorporate the Union Town and Greenesboro' Rail Road Company.

The amendment was laid on the table, and the bill read the third time and passed.

Mr. Patton, from the same committee, reported with an amendment the bill to incorporate the South and North Alabama Rail Road Company; the amendment was adopted, and the bill was read the third time and passed.

Mr. Crenshaw reported the bill to amend the city charter of Selma; which was read the first, second and third times and passed. Yeas 21, nays 6.

Those who voted in the affirmative are :

Messrs. President, Acklen, Ashley, Bethea, Blake, Brindley,

Clanton, Crenshaw, Frazier, Hendricks, Hobdy, Hewlett, Jemison, H. C. Jones, Kelly, Kimball, Malone, Patton, Powell, Watts and Woodward.

Those who voted in the negative, are :

Messrs. Bradford, Gay, E. P. Jones, Lamar, Patton and Webb—6.

Mr. Crenshaw reported favorably on the bill to incorporate the German Fusileers' Benevolent Society of Mobile.

The bill was read the third time and passed.

The resolution offered by Mr. Ashley on yesterday was taken up and amended so as to read :

That hereafter the Senate shall meet at half past nine, a. m., and adjourn at half past one o'clock, p. m., and meet again at 3 o'clock, p. m.

Mr. Hendricks, from the Committee on Roads, Bridges and Ferries, reported a bill to amend the law to authorize John W. Cochran to establish a ferry on Coosa river ; which was read the first, second and third times and passed.

Mr. Crenshaw reported the bill to incorporate the Livingston Ice House Company with an amendment ; which was adopted and the bill was read the third time and passed.

Mr. Baker reported unfavorably on the bill making further appropriation for the Alabama Insane Hospital.

The bill and report were made the special order for Monday next at 11 o'clock.

Mr. Webb reported unfavorably on the bill to modify section 3095 of the Code.

The report was concurred in.

Mr. Webb reported favorably on the bill to authorize the incorporation of the Benevolent and Charitable Association.

The bill was read the third time and passed.

Mr. Watts reported the bill to amend the first clause of section 2182 of the Code, in relation to bail in civil cases, with amendments ; which were adopted, and the bill was read the third time and passed.

Mr. Baker reported that it was unnecessary to pass the bill authorizing a loan to the Mobile and Ohio Rail Road Company.

The report and bill were laid on the table.

Mr. Webb reported unfavorably on the bill to define the power of circuit judges in certain cases.

The report and bill were laid on the table.

Mr. Webb reported unfavorably on the bill to explain and amend sections 2027 and 2029 of the Code.

The report was concurred in.

Mr. Webb reported unfavorably on the bill to repeal section 2464 of the Code, so far as relates to the county of Jefferson, and other counties.

The report was laid on the table.

Mr. Watts moved to amend the bill by way of substitute, as follows:

That section 2464 of the Code of Alabama be and the same is hereby repealed; which was adopted and the bill was read the third time and passed.

Mr. Bethea reported unfavorably on the bill requiring owners of telegraphic wires to place them on one side of the roads along which they pass.

The report and bill were laid on the table.

Mr. Bethea reported unfavorably on the memorial of Horace Ward of Shelby county for State aid in the manufacturing of iron, &c.

The report was concurred in.

Mr. Bethea reported favorably on the bill declaring Turkey creek in Baldwin county a public highway.

The bill was read the third time and passed.

Mr. Bethea reported, with an amendment, the bill to incorporate the Wetumpka and Montevallo Rail Road Company.

The amendment was adopted, and the bill read the third time and passed.

Mr. Bethea reported, with an amendment, the bill to incorporate the East and West Alabama Rail Road Company.

The report and bill were laid on the table.

The bill for the payment of certain claims against the State was taken from the table.

Mr. McLemore moved to amend by making an appropriation of \$50 90 to Wm. Davis, sheriff of Chambers county; which was adopted.

Mr. Watts moved to amend by making an appropriation of ten dollars to J. H. & T. F. Martin; which was adopted, and the bill read the third time and passed.

And the Senate adjourned until to-morrow morning, half after nine o'clock.

FEBRUARY 11, 1854.

The Senate met pursuant to adjournment.

Mr. Clanton, from the Committee on Temperance, made the following report:

The Committee on Temperance, to whom was referred numerous petitions from citizens and christian communities in this State, have had the same under consideration, and ask leave to report that while they fully concur with the petitioners, that the trade in ardent spirits is a curse to the country, and should rightfully form a subject for legislation, they differ from them as to the species of legislation best calculated to arrest and suppress the evil, and finally to banish it from the land without producing any general convulsion in the State.

Your committee regard the present license laws as wholly in-

sufficient to accomplish the ends desired to be obtained by them, and entirely unsuited to the age. They believe that the people of the several counties should directly or indirectly control the liquor trade within their limits. In doing this, both wisdom and sound policy suggest that the license question should not be allowed to enter into the political contests of the day, and if it be practicable to avoid it, nor do we understand that the friends of temperance desire it should enter into such contests. But he is blind to the signs of the times who cannot see, that, if we spurn the petitions of the tens of thousands who have asked us to legislate upon the subject and send them away without doing something to meet their views, they will appeal to the people, since they find petitions to be in vain. It rests with the present general assembly to prevent this result by amending the present license laws; and if it fail to do so, it will be justly responsible for all the commotions and convulsions which must inevitably ensue.

Your committee believe that the regulation of this trade should in a great degree belong to those who have charge of the internal policy in the several counties in this State; and as such, may be safely committed to the courts of commissioners of revenue and roads, under such legislative rules as wisdom may suggest.

By this means the question of license or no license can be made in the election of those officers, and the will of a majority of the people be carried out through them, it will thus be divided from all political elections and placed in the hands of those whose especial duty it is to attend to matters of internal policy in the counties.

Influenced by these views, and by a thorough conviction that much respect is due to the opinions and wishes of at least one hundred thousand petitioners, male and female, who have in the most respectful terms, applied to the present general assembly, asking legislation upon this subject, your committee beg leave most respectfully to report the accompanying bill, and recommend its passage.

The bill and report were re-committed to the Committee on Temperance.

Mr. Clanton presented the petition of J. T. Turner; which was referred to the Committee on Accounts.

Mr. Baker reported unfavorably on the bill to encourage ship and steamboat building in this State.

The report and bill were laid on the table.

Mr. Baker reported the bill to aid the Alabama and Mississippi Rivers Rail Road as improperly referred.

The bill was referred to the Committee on Internal Improvement.

Mr. Blake, from the Committee on Finance, to whom was referred so much of the Governor's message as relates to further appropriations to the State hospital for the insane, reported it un-

necessary to legislate on the subject; which report was concurred in.

Mr. Clanton, from the Committee on Temperance, reported a bill to authorise the citizens of Montevallo to hold an election in reference to liquor restrictions.

The bill was read the first and second times and ordered to be engrossed.

Mr. Bethea reported the bill for the relief of Nelson Robinson, with an amendment; which was adopted.

The Senate refused to order the bill to a third reading. Yeas 9, nays 16.

Those who voted in the affirmative, are:

Messrs. Acklen, Bethea, Bradford, Clanton, Frazier, Kimball, Lamar, Patton and Watts.

Those who voted in the negative, are:

Messrs. Ashley, Baker, Brindley, Crenshaw, Gay, Hendricks, Hobdy, Hewlett, Jemison, E. P. Jones, H. C. Jones, Malone, Peterson, Powell, Webb and Woodward.

Mr. Bethea reported favorably on the bill to amend and explain the charter of the Mobile and Spring Hill Plank or Shell Road.

The bill was read the third time and passed.

Mr. Ashley reported unfavorably on the petition of John B. Eldridge.

The report was concurred in.

Mr. Frazier reported unfavorably on the bill for the relief of Andrew J. Maddox of the county of Marion.

The bill and report were laid on the table.

Mr. Frazier reported unfavorably on the petition of J. H. Jones, J. D. Tanner, and others, of Limestone county, in reference to township elections.

The report was concurred in.

Mr. Frazier reported unfavorably on the petition of A. G. Burt, W. P. Hollingsworth, and others, on the subject of education.

The report was concurred in.

Mr. Frazier reported a substitute for the bill explanatory of the laws concerning the distribution of township funds in certain cases.

The substitute was adopted, and the bill was read the third time and passed.

Mr. H. C. Jones reported, with an amendment, the bill to divorce certain persons therein named.

The amendment was adopted, and the bill was read the third time and passed. Yeas 22, nays 2.

Those who voted in the affirmative are:

Messrs. President, Acklen, Ashley, Baker, Blake, Bradford, Brindley, Cocke, Crenshaw, Frazier, Gay, Hendricks, Hobdy, Jemison, E. P. Jones, H. C. Jones, Kelly, Patton, Peterson, Powell, Searcy and Watts.

Those who voted in the negative are:
Messrs. Webb and Woodward.

Mr. Hewlett reported favorably on the joint resolutions proposing a cession of West Florida to Alabama.

The resolution was read the third time and passed.

The Senate refused to reconsider the vote on the passage of the bill to repeal section 2502 of the code, and to modify the operation of the statute limitations.

The Senate resumed the consideration of the bill to aid certain rail road companies in this State.

The question pending on the substitute reported by the committee,

Mr. Cocke moved to amend as follows:

Be it further enacted, That in addition to the security already offered in this bill, shall also be given personal security in double the amount of the money so borrowed, and that no rail road shall be permitted to avail themselves of the provisions of this act until the Governor is fully satisfied that the securities offered are such as will fully protect the interest of the State.

And the Senate adjourned until half past 3 o'clock.

AFTERNOON SESSION.

The Senate met pursuant to adjournment,

And resumed the consideration of the bill to aid certain rail road companies.

The question pending on the motion offered by Mr. Cocke, the amendment was laid on the table. Yeas 16, nays 10.

Those who voted in the affirmative are:

Messrs. President, Acklen, Baker, Bethea, Bradford, Clanton, Crenshaw, Frazier, Hobdy, H. C. Jones, Kimball, Lamar, Malone, Patton, Powell and Watts.

Those who voted in the negative are:

Messrs. Blake, Brindley, Cocke, Gay, E. P. Jones, Kelly, Peterson, Webb and Woodward.

Mr. Hobdy moved to amend as follows:

Be it further enacted, That the sum of four hundred thousand dollars of the amount appropriated by this act is hereby reserved for the Girard and Mobile Rail Road Company, to be paid out of the treasury upon the warrant of the comptroller, upon the certificate of the Governor that said company has complied with the provisions of this act.

Mr. Bradford moved to lay the amendment on the table; which was lost. Yeas 13, nays 13.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Bethea, Bradford, Frazier, Hendricks, Jemison, H. C. Jones, Lamar, Malone, Patton, Watts and Webb.

Those who voted in the negative, are:

Messrs. Baker, Blake, Brindley, Clanton, Cocke, Crenshaw, Hobdy, E. P. Jones, Kelly, Kimball, Peterson, Searcy and Woodward.

The amendment was adopted.

Mr. Cocke moved to amend as follows:

That the amount of four hundred thousand dollars be reserved for the Alabama and Tennessee Rivers Rail Road, and one hundred thousand dollars for the Alabama and Mississippi Rivers Rail Road.

Mr. Patton moved to lay the amendment on the table; which was lost.

The Senate refused to adopt the amendment.

Mr. Baker moved to reconsider the vote taken on the amendment offered by Mr. Hobdy; which was carried. Yeas 19, nays 10.

Those who voted in the affirmative are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Bradford, Clanton, Frazier, Gay, Hendricks, Jemison, Kimball, Lamar, Malone, Patton, Peterson, Powell, Searcy and Watts.

Those who voted in the negative are:

Messrs. Blake, Brindley, Cocke, Crenshaw, Hobdy, E. P. Jones, H. C. Jones, Kelly, Webb and Woodward.

The amendment was rejected. Yeas 11, nays 18.

Those who voted in the affirmative are:

Messrs. Blake, Brindley, Cocke, Crenshaw, Hobdy, E. P. Jones, Kelly, Peterson, Powell, Searcy and Woodward.

Those who voted in the negative are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Bradford, Clanton, Frazier, Hendricks, Hewlett, Jemison, H. C. Jones, Kimball, Lamar, Malone, Patton, Watts and Webb.

Mr. Kimball moved to amend as follows:

Strike out "six per cent." per annum, and insert "seven per cent." per annum.

Mr. Watts moved to lay the amendment on the table; which was carried. Yeas 17, nays 13.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Baker, Bethea, Blake, Bradford, Clanton, Cocke, Hendricks, Hobdy, H. C. Jones, Lamar, Malone, Patton, Peterson, Watts and Webb.

Those who voted in the negative, are:

Messrs. Ashley, Brindley, Crenshaw, Frazier, Gay, Hewlett, Jemison, E. P. Jones, Kelly, Kimball, Powell, Searcy and Woodward.

Mr. Ashley moved to amend as follows:

Provided, That no loan provided for in this act shall in any way conflict or be construed to effect any appropriation made at the present session of the general assembly for the benefit of common schools.

The amendment was adopted.

The substitute offered by the committee was adopted. Yeas 17, nays 12.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Bradford, Clanton, Crenshaw, Frazier, Hendricks, Jemison, H. C. Jones, Lamar, Malone, Patton, Powell and Watts.

Those who voted in the negative, are:

Messrs. Blake, Brindley, Cocke, Hobdy, Hewlett, E. P. Jones, Kelly, Kimball, Peterson, Searcy, Webb and Woodward.

Mr. Frazier moved to strike out "two" in section five, and insert "five."

A division of the question being called, it was first taken on striking out; which was carried.

Mr. Brindley moved to fill the blank with "ten;" which was lost. Yeas 9, nays 21.

Those who voted in the affirmative, are:

Messrs. Blake, Brindley, Cocke, Gay, Hewlett, E. P. Jones, Peterson, Searcy and Woodward.

Those who voted in the negative, are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Bradford, Clanton, Crenshaw, Frazier, Hendricks, Hobdy, Jemison, H. C. Jones, Kelly, Kimball, Lamar, Malone, Patton, Powell, Watts and Webb.

The question recurred on filling the blank with "five;" which was carried.

Mr. Jemison moved to amend as follows:

And be it further enacted, That the North-east and South-west Rail Road Company shall receive nothing under the provisions of this act until the bonds, which the Mobile and Ohio Rail Road Company shall make to the State, for the amount said company may receive from the State under an act passed at this session of the legislature shall become due and be paid in part or in whole into the treasury; nor shall said North-east and South-west Rail Road Company receive the amount that may be due to said company under the provisions of this act, or any part of such amount, except out of the amount so paid back to the treasury by the Mobile and Ohio Rail Road Company: Provided, That if the amount received by the Mobile and Ohio Rail Road Company shall not equal in amount the sum which the North-east and South-west Rail Road Company will be entitled to under this act; then the said North-east and South-west Rail Road shall receive its proportion of the loan herein provided as other roads may.

Mr. Hobdy moved to lay the amendment on the table; which was lost. Yeas 13, nays 16.

Those who voted in the affirmative are:

Messrs. Baker, Blake, Bradford, Clanton, Crenshaw, Frazier, Gay, Hobdy, Malone, Peterson, Powell, Searcy and Watts.

Those who voted in the negative are:

Messrs. President, Acklen, Ashley, Bethea, Brindley, Cocke, Hendricks, Hewlett, Jemison, E. P. Jones, H. C. Jones, Kelly, Lamar, Patton, Webb and Woodward.

Mr. Hewlett moved an adjournment; which was lost. Yeas 3, nays 26.

Those who voted in the affirmative, are:

Messrs. Brindley Cocke and Hewlett.

Those who voted in the negative, are:

Messrs. President, Acklen, Baker, Bethea, Blake, Bradford, Clanton, Crenshaw, Frazier, Gay, Hendricks, Hobdy, Jemison, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Malone, Patton, Peterson, Powell, Searcy, Watts, Webb and Woodward.

Leave being granted, Mr. Jemison withdrew his amendment.

The bill was read the third time and passed. Yeas 15, nays 14.

Those who voted in the affirmative are:

Messrs. President, Acklen, Baker, Bethea, Bradford, Clanton, Crenshaw, Frazier, Hendricks, Jemison, Lamar, Malone, Patton, Powell and Watts.

Those who voted in the negative are:

Messrs. Blake, Brindley, Cocke, Gay, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Peterson, Searcy, Webb and Woodward.

The bill to aid the Mobile and Ohio Rail Road Company, was read the second time.

Mr. Woodward moved to amend as follows:

And be it further enacted, That the personal property and real estate of each individual stockholder in said company taking any benefit under this act, shall be liable to the State for any loss occasioned by the failure of any one or more of said stockholders to meet their several liabilities assumed under this act.

The amendment was lost. Yeas 9, nays 20.

Those who voted in the affirmative, are:

Messrs. Blake, Brindley, Crenshaw, Hobdy, E. P. Jones, H. C. Jones, Kelly, Webb and Woodward.

Those who voted in the negative are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Bradford, Clanton, Cocke, Gay, Hendricks, Hewlett, Jemison, Kimball, Lamar, Malone, Patton, Peterson, Powell, Searcy and Watts.

The bill was ordered to a third reading.

The bill to incorporate the Central Bank of Alabama, was read the third time and passed. Yeas 23, nays 4.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Bradford, Clanton, Cocke, Crenshaw, Gay, Hendricks, Hobdy, H. C. Jones, Kelly, Kimball, Lamar, Malone, Patton, Peterson, Powell, Searcy, Watts and Webb.

Those who voted in the negative, are:

Messrs. Blake, Brindley, E. P. Jones and Woodward.

The bill to regulate the time of holding the circuit courts of Randolph, Tallapoosa and Talladega counties, was read the first, second and third times and passed.

The Senate adjourned until to-morrow morning, 10 o'clock.

FEBRUARY 13th, 1854.

The Senate met pursuant to adjournment.

Mr. Dickinson presented the petition of Walter Taylor and others; which was referred to the Committee on the Judiciary.

Mr. Webb introduced a bill and a petition on the same subject, to authorise the sale of property in Demopolis; which was read the first, second and third times and passed.

Mr. Blake reported favorably on the bill to repeal an act passed and approved on the 9th day of February, 1852.

The bill was read the third time and passed.

Mr. Blake reported unfavorably on the bill to change the punishment of larceny in certain cases.

The report was concurred in.

Mr. Blake reported unfavorably on the bill to amend a certain clause of section 3046 of the code of Alabama.

The report was concurred in.

Mr. Blake reported favorably on the bill relative to pay of witnesses in State cases.

The bill was ordered to a third reading.

Mr. Blake reported unfavorably on the bill to authorize the holding of special terms of the circuit court in certain cases.

The report was concurred in.

Mr. Crenshaw reported with amendments, which were adopted, on the bill to incorporate the Selma and Mobile Rail Road Company.

The bill, as amended, was read the third time and passed.

Mr. Peterson reported favorably on the bill for the relief of Miles Rhea.

The bill was read the third time and passed.

Mr. Cocke reported, as correctly enrolled, the following bills:

To incorporate the Selma Insurance and Trust Company;

To authorize the Governor to issue a patent to Alford Griffin of Jefferson county;

To repeal in part an act to make the county treasurer of Madison county and other elections by the people, approved January 15, 1852;

To further amend the charter of the Mobile Navigation and Mutual Insurance Company;

For the relief of Ezekiel F. Gore, late tax collector of Pickens county;

To give the election of county treasurer of Chambers county to the people;

To amend the road laws of Perry county.

Mr. Woodward introduced a bill to increase the compensation of the private secretary of the Governor.

The bill was read the first time and ordered to a second reading.

Mr. Baker introduced a bill requiring the Governor to cause patents to issue to Wells Godwin and John Day to certain lands, on proof that the purchase money has been properly paid.

The bill was read the first, second and third times and passed.

Mr. Acklen introduced a bill to authorise the removal of the administration of the estate of Wm. L. Sanders, deceased, from the court of probate of Jackson county to the court of probate of Madison, and for other purposes.

The bill was read the first and second times and referred to the Committee on the Judiciary.

Mr. Watts introduced a bill to amend the charter of the Alabama and Florida Rail Road Company; which was read the first and second times.

Mr. Blake moved to amend as follows:

Provided, That said road shall not cross said bay or river within a half mile of the Girard and Mobile Rail Road without the consent of the Mobile and Girard Rail Road Company; which was adopted.

The bill was laid on the table.

Mr. Jemison introduced a bill to settle priority of appropriations; which was read the first and second times.

Mr. Lamar moved to amend as follows:

Be it further enacted, That the provisions of this act shall not apply to any act appropriating moneys to the Coosa and Tennessee River Rail Road.

Mr. Jemison moved to amend the amendment as follows:

Or any other appropriation made or to be made.

Mr. Powell moved to lay the bill and amendment on the table until 3 o'clock this evening; which was carried. Yeas 12 nays 10.

Those who voted in the affirmative, are:

Messrs. Ashley, Blake, Brindley, Crenshaw, Dickinson, Frazier, Hendricks, Hobdy, Kimball, Lamar, Powell and Searcy.

Those who voted in the negative, are:

Messrs. Bethea, Bradford, Cocke, Gay, Jemison, H. C. Jones, Kelly, Watts, Webb and Woodward.

Mr. Webb introduced a bill to authorise justices of the peace to act as notaries in certain cases.

The bill was read the first, second and third times and passed.

Mr. Watts introduced a bill to provide a summary remedy against plank, macademized and turn-pike road companies, and for other purposes.

The bill was read the first time and postponed until 3 o'clock, p. m.

Mr. Frazier introduced a bill for the relief of J. P. Russell of Jackson county.

The bill was read the first, second and third times and passed.

Mr. Baker introduced a bill declaring Wm. D. Hargrove and Mary S. Woolfork liners between Russell and Macon counties; which was read the first, second and third times and passed.

Mr. Woodward introduced a bill to amend the law on the subject of private roads.

Mr. Acklen introduced a bill to amend an act authorising James Doran to emancipate certain slaves, therein named; approved January 20, 1852.

The bills were severally read the first and second times and referred to the Committee on the Judiciary.

Mr. Watts introduced a bill to authorize the reporter to have printed and published the reports of the supreme court.

The bill was read the first, second and third times and passed.

Mr. Watts introduced a bill for the relief of Mary Alexander of Autauga county.

The bill was read the first, second and third times and passed.

The following is the vote taken on the final passage of the bill: Yeas 17, nays 11.

Those who voted in the affirmative, are:

Messrs. Acklen, Ashley, Baker, Bethea, Bradford, Clanton, Dickinson, Frazier, Gay, Hendricks, Kelly, Kimball, Lamar, Patton, Peterson, Powell and Searcy.

Those who voted in the negative, are:

Messrs. President, Blake, Brindley, Cocke, Crenshaw, Hobdy, Jemison, H. C. Jones, Malone, Webb and Woodward.

Message from the House by Mr. Elmore:

Mr. President: The House has passed Senate bills of the following titles:

A bill to be entitled an act for the relief of a certain person therein named;

A bill for the relief of Seaborn Kelly;

To incorporate the town of Mount Hope, in Lawrence county;

To create an additional regiment in Randolph county;

For the relief of James Shearman, late tax collector of Russell county;

For the relief of Matt Gayle and William T. Minter;

To direct the binding of certain copies of the acts of the assembly;

To repeal the act declaring Tallasahatchee creek, in the county of Benton, a public highway;

Also, the following Senate bills, amended as therein shown:

A bill to be entitled an act to authorise a special jury in Walker county;

To change the time of assessing and collecting the taxes, and for other purposes;

To amend section 2677 of the code in relation to the partition of land.

The House has concurred in the amendments of the Senate to the following House bills:

To repeal section 2464 of the code, so far as relates to the county of Jefferson and other counties;

To fix the pay of the probate judge of probate court and sheriff of Dale and Henry counties;

To authorise John C. Whitsitt to erect a gate across a certain road therein named;

To amend the road law in the counties of Pickens, Autauga, Dale, Henry and Dallas.

The House has passed the joint resolutions of the Senate;

The joint resolution in relation to the claims of the State against Charles H. Stewart.

The Senate proceeded to the consideration of the special order, it being the bill to establish and maintain a system of free public schools in Alabama.

The bill was read the first and second times forthwith.

Hr. H. C. Jones moved to amend, by way of substitute, as follows:

Strike out all after the enacting clause and insert the following:

That an amount be annually appropriated out of the State treasury sufficient to make the educational fund of each township in this State equal to one hundred and fifty dollars. The townships having an annual income arising from the sixteenth section fund equal to that amount shall receive nothing; those receiving a less amount than one hundred and fifty dollars shall receive only such an amount out of the funds hereby appropriated as will make the annual income of said townships equal to that amount.

SEC. 2. *And be it further enacted,* That the comptroller of public accounts, on a presentation of a certificate from the trustees of any township in this State, setting forth the amount of the annual income arising from the sixteenth section fund belonging to said townships, shall forthwith draw his warrant upon the treasury of the State, in favor of said trustees, for an amount which, added to the said annual income of such township, will equal one hundred and fifty dollars; and it shall be the duty of said trustees to distribute the annual amount herein appropriated to their respective townships among the children (between the ages of six and eighteen years actually sent to school) as now provided by law.

SEC. 3. *And be it further enacted,* That it shall be the duty of the trustees to make application for their proportionate part in the first week in January in each and every year.

SEC. 4. *And be it further enacted,* That all applications made after the first week in January shall be rejected.

SEC. 5. *And be it further enacted,* That on the first Monday in August, 1854, and every two years thereafter there shall be elected in each county by the qualified voters thereof, three persons, who shall be known and styled the common school commissioners.

SEC. 6. *And be it further enacted,* That it shall be the duty of said board to examine and give certificates to all persons employed to teach or receive benefits under the provisions of this act as to their qualifications and fitness for the position sought, that the person receiving a certificate is of sober habits and good moral character. And the trustees of the townships shall in no case employ any teacher unless he or she has such certificate.

SEC. 7. *And be it further enacted,* That said board shall have a general supervisory control over all schools receiving aid under this act, to the extent of discharging the teachers in case of incompetency, when the trustees may fail to do so, and to act as referees in all cases when there is a difference between the trustees and teachers.

SEC. 8. *And be it further enacted,* That the trustees and board of common school commissioners shall take an oath faithfully and impartially to discharge their several duties; which oath may be administered by the judge of probate or any justice of the peace in their respective counties.

Mr. Brindley moved the previous question; which was sustained. Yeas 16, nays 11.

Those who voted in the affirmative, are:

Messrs. Ashley, Baker, Bethea, Blake, Bradford, Brindley, Dickinson, Gay, Hendricks, Hobdy, Hewlett, Kelly, Malone, Peterson, Powell and Woodward.

Those who voted in the negative, are:

Messrs. President, Acklen, Crenshaw, Frazier, Jemison, H. C. Jones, Lamar, Patton, Searcy, Watts and Webb.

The bill was ordered to a third reading. Yeas 23, nays 6.

Those who voted in the affirmative, are:

Messrs. President, Ashley, Baker, Bethea, Blake, Bradford, Brindley, Clanton, Dickinson, Gay, Hendricks, Hobdy, Hewlett, Kelly, Kimball, Lamar, Malone, Peterson, Powell, Searcy, Watts, Webb and Woodward.

Those who voted in the negative, are:

Messrs. Acklen, Crenshaw, Frazier, Jemison, H. C. Jones and Patton.

The amendment of the House to the bill to change the time of assessing and collecting the taxes, and for other purposes, was concurred in.

The bills

To regulate the practice in the circuit courts in the counties of Washington and Baldwin;

To define the line between DeKalb, Jackson and Marshall counties;

To repeal an act to provide for the compensation of jurors and witnesses in the county of Tuscaloosa;

To prevent the deposit of dead animals in the streams of this State;

For changing the venue in issues pending in the probate courts, were severally read the third time and passed.

The bill to exempt Enoch A. Albritton from the penalty incurred under section 3095 of the Code, was read the third time and passed. Yeas 16, nays 9.

Those who voted in the affirmative are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Bradford, Brindley, Clanton, Gay, Hendricks, Hobdy, Kimball, Lamar, Peterson, Powell and Watts.

Those who voted in the negative are:

Messrs. Blake, Crenshaw, Dickinson, Frazier, Hewlett, Jemison, Patton, Searcy and Webb.

The bill to aid the Mobile and Ohio Rail Road was read the third time and passed. Yeas 17, nays 8.

Those who voted in the affirmative are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Bradford, Cocke, Clanton, Gay, Hendricks, Hewlett, Jemison, Kimball, Lamar, Patton, Powell and Watts.

Those who voted in the negative are:

Messrs. Blake, Brindley, H. C. Jones, Kelly, Peterson, Searcy, Webb and Woodward.

And the Senate adjourned.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The Senate resumed the consideration of the bill to make further appropriation for the completion of the Alabama Insane Hospital.

Mr. Jemison moved to amend by way of substitute, which was adopted, and the bill passed. Yeas 18, nays 10.

Those who voted in the affirmative, are:

Messrs. President, Bethea, Blake, Bradford, Clanton, Cocke, Hendricks, Hewlett, Jemison, H. C. Jones, Kelly, Lamar, Patton, Peterson, Powell, Watts, Webb and Woodward.

Those who voted in the negative, are:

Messrs. Ashley, Baker, Brindley, Frazier, Gay, Hobdy, Kimball, Malone, McLemore and Searcy.

Message from the Governor by Mr. Whitfield—

Mr. President: His excellency, the Governor, has approved the following bills which originated in the Senate:

An act constituting Seaborn W. and Samuel B. Harwell liners, &c.;

To amend section 2029 of the Code of Alabama;

To compensate Erasmus N. Matthews, agent of the State of Alabama, for locating certain lands;

To pay Harrell Hobdy a certain sum of money;

To amend section 917 of the Code of Alabama relative to pilotage;

To increase the compensation of the marshal of the supreme court of Alabama;

A joint memorial to the Congress of the United States;

Memorial and joint resolutions in regard to public lands;

An act further to amend the charter of the Mobile Navigation and Mutual Insurance Company; and returns a bill to be entitled an act for the relief of Daniel R. Loper of Montgomery county, and with it his objections to the same.

EXECUTIVE DEPARTMENT,

Montgomery, February —, 1854.

I return to the Senate the bill to be entitled an act for the relief of Daniel R. Loper of Montgomery county.

It appears from the language of the bill the said Loper has been convicted of some felonious crime.

The nature of the offense, the time it occurred, as well as any circumstances justifying his pardon or release from the penalties of violated law are all unknown to me.

I refer the Senate to my message before made on the subject of legislative pardons, for the reasons which compel me to withhold my assent to this bill; the constitution having conferred the power of pardon on this, and expressly withheld it from any other department of the State Government.

JOHN A. WINSTON.

The Senate then adjourned.

FEBRUARY, 14, 1854.

Senate met pursuant to adjournment.

The bill for the relief of Daniel R. Loper of Montgomery county having been returned by the Governor, was reconsidered by the Senate, and the bill was refused to be passed. Yeas 26, nays 2.

Those who voted in the affirmative are:

Messrs. President, Acklen, Ashley, Bethea, Blake, Bradford, Brindley, Clanton, Cocke, Crenshaw, Dickinson, Frazier, Gay, Hendricks, Hobdy, Hewlett, H. C. Jones, Kelly, Lamar, Malone, Patton, Peterson, Powell, Searcy, Webb and Woodward.

Those who voted in the negative are:

Messrs. Baker and Kimball.

Mr. Webb introduced joint resolutions expressive of the sense of the general assembly of the State of Alabama, of the death of the late Wm. R. King, Vice President of the United States:

1st. That, as representatives of the people, it becomes us to pay

a tribute of respect to the memory of their distinguished and patriotic fellow-citizen, the late William R. King, the Vice President of the United States.

2nd. That with feelings of pride and pleasure we point to his elevated and patriotic course as an encouragement to the statesmen of the country to follow where virtue, honor and right shall lead.

3rd. That as Alabamians we will cherish his memory as a statesman, distinguished for his devotion to her interests, his ardent attachment to the Union of the States of this Confederacy, as in voting her approbation for the fidelity with which for so long a period he served her people in the councils of the nation.

The resolutions were read the first, second and third times, and adopted.

The bill to repeal so much of the Code of Alabama as prohibits the circulation of bank bills of other States of less denomination than five dollars, having been returned by the Governor, was reconsidered by the Senate.

The bill was passed by the constitutional majority. Yeas 20, nays 11.

Those who voted in the affirmative, are:

Messrs. Baker, Bradford, Brindley, Clanton, Cocke, Frazier, Gay, Hendricks, Hobdy, Hewlett, Kelly, Kimball, Lamar, Malone, McLemore, Patton, Peterson, Powell, Searcy and Watts.

Those who voted in the negative are:

Messrs. President, Acklen, Ashley, Bethea, Blake, Crenshaw, Dickinson, Jemison, H. C. Jones, Webb and Woodward.

Mr. Blake reported favorably on the bill to be entitled an act for the relief of Alexander A. McCartney of Morgan county.

The bill was read the third time and passed.

Mr. Blake reported favorably on the bill to amend the proceedings of the city court of Mobile.

The bill was read the third time and passed.

Mr. Blake reported unfavorably on the bill to provide for the payment of jurors in certain cases.

The report was concurred in.

Mr. Blake reported favorably on the bill to relieve sheriffs from giving additional bond and security when the administration of estates are committed to their hands.

Mr. Hendricks moved the following amendment:

Provided, That the judge of probate shall be authorized and required to cause additional bond and security when, in his judgment, it may be necessary to effect security of such estate or estates; which was adopted, and was laid on the table.

Mr. Malone reported a bill for the relief of Brittan and De-Wolf, State printers.

The bill was read the first time and ordered to a second reading. Yeas 18, nays 6.

Those who voted in the affirmative are :

Messrs. Acklen, Ashley, Blake, Brindley, Clanton, Dickinson, Hendricks, Hobdy, Hewlett, H. C. Jones, Kelly, Malone, McLe-more, Patton, Watts, Webb and Woodward.

Those who voted in the negative are :

Messrs. Baker, Bradford, Gay, Kimball, Lamar and Peterson.

Mr. Cocke reported, as correctly enrolled, bills of the following titles :

To incorporate the town of Waterloo, in the county of Lauderdale ;

To incorporate the Bellville Male and Female Academy, and for other purposes ;

Constituting Seaborn W. and Samel B. Harwell liners, &c. ;

To compensate Erasmus N. Matthews agent of the State of Alabama, for locating certain lands ;

A joint memorial to the Congress of the United States ;

To authorize the probate court of Montgomery county to take jurisdiction of the estate of Wm. C. Wright, deceased ;

Better to regulate the practice of medicine under the Botanic system in this State ;

To authorize the appointment of constables in certain cases ;

To incorporate the Hydropathic Medical Institute of Alabama ;

To modify an act entitled an act to aid the Alabama and Mississippi Rail Road Company ;

To incorporate the Grand Temple of Honor of the State of Alabama and its Subordinates ;

For the relief of David R. Loper of Montgomery county ;

To amend section 917 of the code of Alabama relative to pil-
lotage ;

To amend section 2029 of the code of Alabama ;

For the payment of certain claims against the State ;

To pay Harrell Hobdy a certain sum of money ;

To establish a medical board in the county of Cherokee ;

To incorporate the Alabama Coal Mining Company ;

For the relief of the administrators of John E. Lipscomb, de-
ceased, and the guardianship of the minor heirs ;

For the relief of Wm. M. Jones of Montgomery county ;

To regulate the sale of spirituous liquors upon the waters of
the Tennessee river, within one mile of Brown's Ferry ;

For the relief of Jas. May of the county of Pike ;

To authorize the county commissioners of the county of Chero-
kee to make settlement with the building committee of the town of
Centre, and for other purposes ;

For the the relief of John A. L. DeBerrie, of Walker county ;

To amend the law in relation to the failure of circuit judges
and chancellors to hold their respective courts ;

To provide for the election of county treasurer of Henry and
Dale counties ;

To amend the charter of Montgomery, and for other purposes;
 To change the time of taking up the State docket for Montgomery county;

For the registration of the names of the owners of steamboats;
 For the preservation of game;

To authorize the executors of Claiborne Myers, deceased, to remove the administration from the county of Autauga to the county of Montgomery;

For the relief of James Lumpkin, an Indian;

To authorize the administrators of the estate of Joseph J. Pleasant, deceased, late of the county of Madison, to make sale of certain rights and credits of said decedents therein mentioned;

To authorize the loan of cadet muskets to a certain academy;

To fix the boundary line between the counties of Cherokee and Benton;

To extend the charter of the Alabama Life Insurance and Trust Company at Mobile;

For the relief of Patrick May;

Requiring justices of the peace and constables of Lowndes county, in their respective beats, to act as apportioners and supervisors of roads, and for other purposes;

For the relief of John G. Hall;

To incorporate the Alabama River Pilots Association;

To amend the charter of the Gainesville and Mississippi Road Company;

To authorize Mary Marshall, administratrix of Abram Marshall, deceased, to sell certain real estate therein named;

To authorize the judge of probate of Madison county to act as guardian in certain cases;

In relation to the officers of the penitentiary;

To divorce certain persons therein named;

To declare Henry Criswell a liner between the counties of Talladega and Benton, and for other purposes;

To regulate the sale of 16th section, township 14, range 24, of Macon county;

To incorporate the Montgomery Gas Light Company;

To repeal certain acts therein named;

To authorize Lewis Gholson, administrator in right of his wife, to remove certain property to the county of Autauga;

For the relief of James Williams, (appropriating one hundred and fourteen dollars,) tax collector of Franklin county;

To lay off Cherokee and Lauderdale counties into four commissioners' districts, and for other purposes therein mentioned;

To furnish the judge of probate of Coffee county with the Alabama reports;

To increase the compensation of the members of the commissioners' court of Russell and other counties;

To regulate the pay of jurors and witnesses in Dale county, &c.;

- To regulate the practice in justices' courts in DeKalb county;
- To amend the school laws in Mobile county;
- To modify an act to aid the Alabama and Mississippi Rivers Rail Road Company;
- To appoint constables in certain cases;
- For the relief of Matt Gayle and William Minter;
- To incorporate the German Fusileers' Benevolent Society of Mobile;
- To repeal section 2464 of the code;
- To regulate the election and compensation of commissioners of roads and revenue in the county of Covington;
- Joint memorial to Congress asking an appropriation of lands for a geological survey of Alabama;
- To incorporate the Hydropathic Medical Institute of Alabama;
- To incorporate a cemetery company in the county of Mobile;
- To appropriate certain sums for the improvement in the penitentiary, and for other purposes;
- For the relief of Seaborn Kelly;
- For the relief of a certain person therein named;
- To authorize the Secretary of State to issue a patent to G. L. Hogan;
- Joint resolutions in relation to the claims of the State against Charles H. Stewart;
- To repeal an act declaring Tallassahatchee creek, in Benton county, a public highway;
- For the relief of James Shearman, late tax collector of Russell county;
- To direct the binding of certain copies of the acts of the assembly;
- To amend section 2677 of the code in relation to the partition of land;
- To aid the Mobile and Ohio Rail Road Company;
- To create an additional regiment in Randolph county;
- For the relief of Charles Gookin.

The Senate reconsidered the vote refusing to order to a third reading the bill to authorise annual sessions of the general assembly, and to limit the duration of the same.

Mr. Watts moved to suspend the rules, with the view of giving the bill a third reading forthwith; carried. Yeas 25, nays 6.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Baker, Bethea, Blake, Bradford, Brindley, Clanton, Cocke, Crenshaw, Gay, Hendricks, Hobdy, Hewlett, Jemison, H. C. Jones, Kelly, Kimball, Lamar, Malone, Patton, Peterson, Powell, Searcy and Watts.

Those who voted in the negative, are:

Messrs. Ashley, Dickinson, Frazier, McLemore, Webb and Woodward.

The bill was read the third time, and the Senate refused to pass it. Yeas 13, nays 16.

Those who voted in the affirmative, are:

Messrs. Acklen, Baker, Bethea, Blake, Clanton, Crenshaw, Hendricks, Hobdy, Hewlett, Peterson, Powell, Searcy and Watts.

Those who voted in the negative, are:

Messrs. President, Ashley, Bradford, Brindley, Dickinson, Gay, H. C. Jones, Kelly, Kimball, Lamar, Malone, McLemore, Patton, Webb and Woodward.

The Senate then adjourned until 3½, p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The bill to repeal an act passed and approved on the 9th day of February, 1852, was read the third time and passed.

The bill to authorize the citizens of Montevallo to hold an election in reference to liquor restrictions, was read the second and third times and lost. Yeas 10, nays 12.

Those who voted in the affirmative, are:

Messrs. Baker, Bethea, Blake, Clanton, Crenshaw, Dickinson, Frazier, Kelly, Malone and Patton.

Those who voted in the negative, are:

Messrs. President, Bradford, Brindley, Coeke, Hewlett, H. C. Jones, Lamar, McLemore, Peterson, Powell, Watts and Webb.

The bill to incorporate the village of Warrior Stand in Macon county, was read the third time and passed.

The bills

To amend the seventeenth clause of the 391st section of the code;

To amend section 640 of the code of Alabama; were severally read the third time and passed.

The bill to establish and maintain a system of free public schools in Alabama.

Mr. Brindley moved the previous question; which was sustained. Yeas 15, nays 13.

Those who voted in the affirmative are:

Messrs. President, Ashley, Baker, Bethea, Blake, Bradford, Brindley, Clanton, Hewlett, Kelly, Kimball, Lamar, Malone, Powell and Watts.

Those who voted in the negative are:

Messrs. Acklen, Cocke, Crenshaw, Frazier, Hendricks, Hobdy, H. C. Jones, McLemore, Patton, Peterson, Searcy, Webb and Woodward.

The bill was read the third time and passed. Yeas 22, nays 8.

Those who voted in the affirmative are:

Messrs. President, Ashley, Baker, Bethea, Blake, Bradford, Brindley, Clanton, Dickinson, Hendricks, Hobdy, Hewlett, Jemison, Kelly, Kimball, Lamar, Malone, Patton, Powell, Searcy, Watts and Woodward.

Those who voted in the negative are:

Messrs. Acklen, Cocke, Crenshaw, Frazier, H. C. Jones, McLemore, Peterson and Webb.

The bill to remove the Colbert Shoals in the Tennessee river was taken from the table, and was read the third time and passed. Yeas 19, nays 11.

Those who voted in the affirmative are:

Messrs. Acklen, Ashley, Betha, Blake, Bradford, Brindley, Clanton, Frazier, Hendricks, Hobdy, Hewlett, Jemison, H. C. Jones, Kelly, Malone, Patton, Powell, Watts and Woodward.

Those who voted in the negative are:

Messrs. President, Baker, Cocke, Crenshaw, Dickinson, Gay, Lamar, McLemore, Peterson, Searcy and Webb.

The bill to amend the charter of the Wilcox Female Institute, was read the first, second and third times, and passed. Yeas 15, nays 12.

Those who voted in the affirmative are:

Messrs. Ashley, Baker, Blake, Clanton, Crenshaw, Dickinson, Frazier, Hendricks, Hobdy, Jemison, Kelly, Malone, Patton, Peterson and Searcy.

Those who voted in the negative, are:

Messrs. President, Acklen, Bradford, Brindley, Cocke, Gay, Hewlett, H. C. Jones, Lamar, Watts, Webb and Woodward.

The bills

To repeal and amend certain sections of the Code therein named, and for other purposes.

For the relief of Robt. Chandler of Marshall county;

To define the jurisdiction of the town constable of the town of Carrollton;

The joint resolution requiring the Secretary of State to file and preserve the official reports of State officers and other State papers;

The bill to authorize and require the inspectors of the penitentiary to secure certain property to the State, were severally read the first second and third times, and passed;

For the relief of J. H. Daughdrill of Mobile county;

To incorporate the Courtland Masonic Institute;

To provide a list of weights and measures for the county of Hancock, were severally read the first, second and third times, and passed;

To establish the boundary line between the counties of Mobile and Washington, and for other purposes;

To divorce Joseph H. Wallis from his wife, Mary Wallis;

To amend the charter of the town of Florence, were severally read the first, second and third times, and passed.

The amendment of the House to the bill to amend the charter of the Alabama and Florida Rail Road, and for other purposes, was concurred in.

The bill to require the county treasurer of Marshall county to pay claims against said county according to priority;

To authorize the exchange of the bills of the State Bank and its branches over five dollars in amount in circulation for the bills under five dollars in amount in the State treasury;

For the relief of Lewis Parker of Lawrence county;

To incorporate the trustees of Friendship School in the county of Wilcox;

To authorize the sale of the extra copies of the twenty second volume of the decisions of the supreme court;

For the relief of Wm. Connaway;

To incorporate the Hollywood House Company;

To authorize the payment of fines and forfeitures in county claims in the county of Hancock;

For the relief Robert H. Howard and James E. Burnett, executors of Harmory Lamar, deceased;

To amend the law in relation to pleadings;

To revive the acts incorporating the town of Warrenton in Marshall county;

To authorize the corporate authorities of the city of Mobile to regulate wharfs and wharfinger in said city;

The bill relative to pay of witnesses in State cases;

For the relief of G. W. Grant;

To amend the charter of the Marengo Covered or Plank Road Company;

To repeal an act therein named, approved January 26th, 1846;

To repeal an act therein named;

To authorize James Hammett and Nancy Hammett to sell a certain tract of land therein named;

The bill relative to the appointment of overseers and apportioners in Sumter county;

To authorize the holding of additional terms of the chancery court in the counties of Cherokee, Benton and Talladega;

To change the time of holding the chancery court in the second district of the southern division;

For the relief of Abel Eckols of Dale county;

To amend the law in relation to burning woods in the county of Henry;

To incorporate the order of the Knights of the Golden Cross in the city of Mobile;

To authorize a register in chancery to settle a certain case therein named, and for other purposes, were severally read the third time, and passed.

The bill to appropriate a certain sum of money to the lessees of the penitentiary was taken from the table; read the third time, and passed. Yeas 17, nays 7.

Those who voted in the affirmative are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Blake,

Bradford, Clanton, Dickinson, Hendricks, Hobdy, Kelly, Kimball, Patton, Powell, Watts and Woodward.

Those who voted in the negative are:

Messrs. Cocke, Crenshaw, Frazier, Gay, McLemore, Searcy and Webb.

The bills

To repeal an act therein named;

To amend section 1255 of the Code;

To amend the 9th clause of section 3 of the Code;

To curtail the pay of witnesses in certain cases;

For the attendance of slaves as witnesses, and for the compensation of their owners;

To provide for the settlement of the trust estate of Martha B. Thomas, and for other purposes;

To amend section 2421 and 2475;

To repeal section 2421, and to regulate the limitations of judgments and decrees, were severally read the first and second times and referred to the Judiciary Committee.

The bills

For the relief of Haywood H. Hunter;

To authorize the Governor to issue a patent to certain school lands therein named, were severally read the first and second times, and referred to the Committee on Sixteenth Sections.

The bill

To incorporate the Colbert Shoals Navigation Company, was read the first and second times, and referred to the Committee on Internal Improvement.

The bill relative to licensing circus companies in the city of Mobile, was read the first and second times, and referred to the Committee on Finance.

The bill to incorporate the Montgomery, Tuscaloosa and Pickens Rail Road Company, was read the first and second times.

Mr. Powell moved an amendment, as follows:

Insert "Wetumpka and" between the words "Montgomery, Tuscaloosa" in the seventh line of the first section.

The amendment was adopted.

Mr. Jemison moved to lay the bill on the table.

The bill to compensate returning officers of elections, was read the first time, and laid on the table.

The bill to restore the rights of citizenship to John Greene of the county of Wilcox, was read the first and second times, and indefinitely postponed.

The bill to change the names of certain persons, was read the first and second times, and laid on the table.

The bill for the relief of John W. Bishop, was read the first, second and third times, and passed. Yeas 18, nays 8.

Those who voted in the affirmative are:

Messrs. President, Acklen, Bethea, Bradford, Brindley, Clan-

ton, Dickinson, Frazier, Gay, Jemison, Kelly, Lamar, Patton, Peterson, Powell, Searcy, Watts and Woodward.

Those who voted in the negative are:

Messrs. Ashley, Cocke, Crenshaw, Hewlett, H. C. Jones, Malone, McLemore and Webb.

The Senate then adjourned.

FEBRUARY 5th, 1854.

The Senate met pursuant to adjournment.

Mr. Clanton presented the petitions of sundry citizens of La Place on the subject of temperance.

The petition was referred to the Committee on Temperance.

Mr. Frazier reported favorably on the bill to authorize the Governor to issue a patent to certain school lands therein named.

The bill was read the third time and passed.

Mr. Webb reported favorably on the bill for the relief of Haywood H. Hunter.

The bill was read the third time and passed.

Mr. Blake reported favorably on the bill for the settlement of the trust estate of Martha B. Thomas, and for other purposes.

The bill was read the third time and passed.

Mr. Blake reported favorably on the bill to incorporate the Montgomery Water Works Company.

Mr. Blake reported favorably on the bill to amend the law on the subject of private roads.

The bills were each read the third time and passed.

Mr. Blake reported favorably, without amendment, the bill to extend the time of holding the circuit court of Coosa county.

Mr. Watts moved to amend, as follows:

That the circuit court of Autauga county, at the spring term, 1854, shall have an additional week, and that at the spring term, 1854, the circuit court of Coosa county shall commence one week later than the time now fixed by law; and that at the fall term, 1854, the circuit court of Coosa county shall commence at the time now fixed by law, and may continue in session two weeks, and may continue for two weeks at each subsequent term.

The amendment was lost. Yeas 7, nays 10.

Those who voted in the affirmative are:

Messrs. Cocke, Crenshaw, H. C. Jones, McLemore, Peterson, Watts and Webb.

Those who voted in the negative are:

Messrs. President, Baker, Blake, Bradford, Brindley, Dickinson, Gay, Hendricks, Kimball and Powell.

The bill was read the third time and passed.

Mr. Cocke reported as correctly enrolled bills of the following titles:

A bill to amend the road laws in the counties of Pickens, Autauga, Dale, Henry and Dallas;

To fix the pay of the probate judge and sheriff of Dale and Henry counties;

To amend and explain the charter of the Mobile and Spring Hill Plank or Shell Road Company;

To authorize John C. Whitsitt and Benjamin Borden to erect gates across a certain road therein named;

To repeal section 2502 of the Code, and to modify the statute of limitations;

Joint resolutions proposing a cession of West Florida to Alabama;

To incorporate the Broad Street Hotel Company of Selma;

To change the time of assessing and collecting the taxes, and for other purposes;

To authorize a special levy in Walker county.

A message from the House by Mr. Elmore;

Mr. President: The House has originated and passed bills of the following titles:

A bill supplemental to an act to regulate the assessment and collection of taxes;

To compensate the sheriff of Madison county;

For the payment of certain claims against the State;

For the relief of J. T. Martin of Barbour county;

To amend the sixteenth section of the act to incorporate the Choctaw Male and Female Seminary, approved 1st, February, 1850;

For the relief of B. T. Adkinson of Coffee county;

To increase the salary of the State treasurer;

To establish an additional regiment in Cherokee county;

To authorize the officers of the sixty-seventh and ninety-ninth regiments of Tallapoosa county to divide said county into three regiments;

To incorporate the Mountacauleux Male and Female Academy, in the county of Lauderdale;

To amend section 397 of the code;

To prevent the evasion of the revenue law;

To incorporate the DeSotoville Male and Female Academy, in the county of Choctaw;

To explain and fix the times when the chancery courts in the middle division shall be held.

The House has concurred in the amendments of the Senate to the House bills, with the following titles:

To provide a summary remedy against plank, macadamized or turn-pike road companies, and for other purposes;

To incorporate the South and North Alabama Rail Road Company;

To divorce certain persons therein named;

To incorporate the Wetumpka and Montevallo Rail Road Company;

To incorporate the Livingston Ice House Company;
 To amend the law of and regulating the proceedings in admiralty in Alabama;

To incorporate the Central Bank of Alabama;

To incorporate the Selma and Mobile Rail Road Company;

To exempt Enoch A. Albritton from penalty incurred under section 3095 of the code of Alabama;

For the payment of certain claims against the State;

To incorporate the society for the relief of disabled clergymen, and of the widows and orphans of deceased clergymen of the Protestant Episcopal Church in the diocese of Alabama, and to incorporate the society for the relief of disabled clergymen of the Baptist denomination.

The House has passed Senate bills with the following titles:

To authorize the renewal of notes for the purchase sixteenth section lands;

To authorize the Governor to subscribe to a map of Alabama, to be published by D. W. Jones;

For the relief of Edward Hooker of Montgomery county;

To authorize Robert H. Lake to practice law in the several counties in this State;

To remunerate James G. Carroll for certain services rendered the State of Alabama;

To compensate Charles F. Lockhart of Russell county, for certain services.

The House has concurred in the amendment of the Senate to an amendment of the House to a Senate bill, entitled "an act to amend section 1805 of the code, in relation to annual settlements."

Mr. Peterson reported a bill to pay certain claims against the State of Alabama.

Mr. Watts moved an amendment; which was adopted, and the bill was recommitted.

Mr. Peterson reported, with an amendment, a bill for the relief of Andrew Poor.

The amendment was adopted, and the bill was refused to be ordered to a third reading. Yeas 6, nays 12.

Those who voted in the affirmative, are:

Messrs. Acklen, Bradford, Hendricks, Peterson, Powell and Watts.

Those who voted in the negative, are:

Messrs. Baker, Bethea, Brindley, Clanton, Cocke, Crenshaw, Frazier, Gay, H. C. Jones, Kelly, Malone and Webb.

Mr. Peterson, from the Committee on Accounts, to whom was referred the petition of Stephen Garner, reported a bill to pay a certain claim against the State of Alabama.

The bill was read the first time and ordered to a third reading.

Mr. Peterson reported adversely on the petition of Chilton and McLester.

The report was concurred in.

Mr. Hendricks reported with an amendment the bill to authorize the Franklin and Oxford Rail Road Company to extend their road into the State of Alabama, and for other purposes.

The bill was read the third time and passed. Yeas 19, nays 4.

Those who voted in the affirmative, are:

Messrs. President, Baker, Bethea, Bradford, Brindley, Clanton, Crenshaw, Dickinson, Gay, Hendricks, Hobdy, H. C. Jones, Kelly, Malone, McLemore, Patton, Searcy, Webb and Woodward.

Those who voted in the negative, are:

Messrs. Cocke, Frazier, Peterson and Watts.

Mr. H. C. Jones, from the Committee on Sixteenth Sections, reported a bill to loan a certain fund to Lagrange College, in Franklin county.

The bill was read the first, second and third times and passed. Yeas 18, nays 6.

Those who voted in the affirmative, are:

Messrs. Bethea, Brindley, Clanton, Cocke, Crenshaw, Dickinson, Frazier, Hendricks, Hobdy, H. C. Jones, Kelly, Kimball, Lamar, Malone, Patton, Webb and Woodward.

Those who voted in the negative, are:

Messrs. President, Bradford, Gay, McLemore, Peterson and Searcy.

A message from the Governor by Mr. Whitfield:

Mr. President: His excellency the Governor has approved the following bills, which originated in the Senate:

To authorize the county commissioners of the county of Cherokee to make settlement with the building committee of the town of Centre, and for other purposes;

To amend the charter of Montgomery, and for other purposes;

To change the time of taking up the State docket for Montgomery county;

For the relief of Matt Gayle and Wm. T. Minter;

For the registration of the names of the owners of steamboats;

To amend the law in relation to the failure of circuit judges and chancellors to hold their respective courts;

To incorporate the Hydropathic Medical Institute of Alabama;

Better to regulate the practice of medicine under the Botanic system in this State;

To provide for the election of county treasurer of Henry and Dale counties;

To incorporate the Grand Temple of Honor of the State of Alabama and its Subordinates;

Joint resolutions in relation to the claims of the State against Charles H. Stewart;

For the relief of Seaborn Kelly;

To direct the binding of certain copies of the acts of the assembly;

For the relief of James Shearman, late tax collector of Russell county;

To amend section 2677 of the code in relation to the partition of land;

To create an additional regiment in Randolph county;

To repeal an act declaring Tallassahatchee creek, in Benton county, a public highway;

To establish a medical board in the county of Cherokee;

To authorize the Secretary of State to issue a patent to G. L. Hogan.

Mr. Peterson reported unfavorably on the bill to pay attorneys for services rendered in cases involving the question of boundary between the States of Alabama and Georgia.

The bill and report were laid on the table.

Mr. Bethea reported favorably on the bill to aid the Alabama and Mississippi Rivers Rail Road.

Mr. Bradford moved to amend as follows:

Be it further enacted, That the sum of four hundred thousand dollars be loaned to the Alabama and Tennessee Rivers Rail Road Company, on the same time and for the same kind of security to the State of Alabama as is required by the foregoing act.

Mr. Baker moved to amend the amendment by striking out "four" and inserting "one;" which was adopted, and the bill and amendment were laid on the table. Yeas 11, nays 10.

Those voted in the affirmative, are;

Messrs. President, Acklen, Bradford, Brindley, Clanton, Frazier, Hendricks, Kimball, Malone, Patton and Searcy.

Those who voted in the negative are:

Messrs. Ashley, Bethea, Cocke, Crenshaw, Hobdy, Lamar, McLemore, Watts, Webb and Woodward.

Mr. Hendricks reported a bill to authorize the court of county commissioners of Autauga county to grant a certain road therein named.

The bill was read the first, second and third times and passed.

Mr. Clanton, from the Committee on Temperance, made the following report:

The committee of one from each judicial circuit in this State, to whom was referred sundry petitions, very numerous, signed, praying the general assembly, at its present session to legislate on the subject of the retail of ardent spirits, have considered the same, and directed me to make the following report:

Your committee have most respectfully considered the subject of the petitioners, and desire to treat their prayer with deference and consideration, both for the respectability of the petitioners and their numbers, as well as the praiseworthy and commendable object they have in view. They would commend to their labor of love and persuasion the inebriate of the land as the subject of reformation, and to the philanthropic their reclamation from vice and intemperance.

Legislators, your committee believe, is not only within their own peculiar province, but their imperative duty to restrain, by law, the retail of ardent spirits, and to accomplish that object, have directed me to report the accompanying bill and to recommend its passage.

Mr. Clanton reported a bill to regulate the license to retail ardent spirits; which was read the first time.

Mr. Clanton moved to suspend the rule to give the bill a second reading forthwith; which was lost. Yeas 13, nays 9.

Those who voted in the affirmative are:

Messrs. President, Baker, Bethea, Clanton, Crenshaw, Dickinson, Hendricks, Hobdy, H. C. Jones, Kelly, Malone, Patton and Webb.

Those who voted in the negative are:

Messrs. Ashley, Bradford, Brindley, Cocke, Gay, Kimball, McLemore, Peterson and Searcy.

Mr. Crenshaw introduced a bill supplemental to an act in relation to the burnt records of Butler county; which was read the first, second and third times and passed.

Mr. McLemore introduced joint resolutions of the general assembly in relation to the outstanding debts, now in the hands of agents, attorneys, &c.

Mr. Brindley introduced a bill to incorporate the Alabama Mining and Manufacturing Company.

Mr. Watts introduced a bill to incorporate the Alabama Dragons of Montgomery.

Mr. Watts introduced a bill to incorporate the Southern Insurance Company.

Mr. Powell introduced a bill for the relief of the widow of William Magnie, deceased; which were severally read the first, second and third times and passed.

Mr. Baker introduced a bill for the relief of Sarah Jane Sledge and Frances Wacasser of Russell county; which was read the first and second times, and was refused to be ordered to a second reading.

Mr. Gay introduced a bill in relation to road working in Randolph county; which was read the first, second and third times and passed.

Mr. H. C. Jones presented a memorial in regard to pre-emption; which was referred to the Committee on Federal Relations.

Mr. Bradford introduced a bill to limit damages on protested bills of exchange to five per cent. damages; which was read and refused to be ordered to a second reading. Yeas 11, nays 12.

Those who voted in the affirmative are:

Messrs. Bradford, Brindley, Frazier, Gay, Hendricks, H. C. Jones, Kelly, Lamar, Searcy, Webb and Woodward.

Those who voted in the negative are:

Messrs. President, Acklen, Ashley, Baker, Clanton, Cocke, Crenshaw, Dickinson, Hobdy, Malone, Patton and Watts.

The bill to define the power of circuit judges in certain cases was taken from the table.

Mr. Watts moved an amendment, which was adopted, and the bill was read the third time and passed. Yeas 19, nays 5.

Those who voted in the affirmative are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Brindley, Clanton, Crenshaw, Dickinson, Hendricks, Hobdy, H. C. Jones, Kelly, Malone, Patton, Peterson, Searcy, Watts and Woodward.

Those who voted in the negative are:

Messrs. Bradford, Cocke, Frazier, Lamar and Webb.

Mr. Bethea introduced a bill in regard to the issuance and circulation of small bills; which was read the first time and ordered to a second reading.

The bill for the relief of Thomas Brown of Lauderdale county and John Tyler of Jefferson county, was taken from the table, and referred to the Committee on Finance.

The bill to amend the law imposing a tax for the sale of slaves, was taken from the table, and ordered to a third reading.

And the Senate adjourned.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Watts introduced a bill to authorize the taking of testimony of officers of incorporated companies; which was read the first time, and ordered to a second reading.

The bills

To allow all regular graduates of any medical college in the United States to practice medicine;

In reference to trustees of township schools in Russell county, were severally read the third time, and passed.

The bill to increase the compensation of the private secretary of the Governor, was read the first, second and third times, and refused to be passed.

The bill for the relief of Brittan and De Wolf, was read the second time, and ordered to be engrossed.

The bill to aid the Tennessee and Coosa Rail Road, was read the second time.

Mr. McLemore moved to amend, as follows; which was adopted:

Be it further enacted, That if said company does not grade one fifth of said road in two years, then said road shall not be entitled to the provisions of this act.

Mr. Baker moved an indefinite postponement of the bill; which was lost. Yeas 14, nays 14.

Those who voted in the affirmative, are:

Messrs. Ashley, Baker, Brindley, Crenshaw, Dickinson, Hobdy,

Hewlett, H. C. Jones, Kelly, Kimball, Malone, McLemore, Searcy and Webb.

Those who voted in the negative, are:

Messrs. President, Acklen, Bethea, Bradford, Clanton, Cocke, Frazier, Gay, Hendricks, Lamar, Patton, Powell, Watts and Woodward.

Mr. Watts moved to re-commit the bill to the Committee on Internal Improvement; which was carried.

The bill to alter and amend section 998 of the Code of Alabama, was read the second time, and referred to the Judiciary Committee.

The bills

To provide for the payment of a certain claim against the State;

To amend section no. 2170 of the Code of Alabama;

In relation to re-surveys of land, were severally read the second and third times, and passed.

The bills

To incorporate the Mountacauleux Male and Female Academy in the county of Lauderdale;

To amend section 397 of the Code;

To prevent the evasion of the revenue law;

To compel certain persons heretofore exempted to work public roads in Hancock county;

To increase the salary of the State treasurer;

To establish an additional regiment in Cherokee county;

To authorize the officers of the 67th and 99th Regiments of Tallapoosa county to divide said county into three regiments;

To incorporate Sandy Ridge Male Academy in Lowndes county;

For the relief of J. T. Martin of Barbour county;

The bill exempting the citizens of the town of Montevallo from working on public roads except within the corporate limits thereof;

To provide for the investment and safe keeping of estates and money in certain cases therein named;

To alter and amend an act to change the mode of receiving and disbursing the revenue of Mobile county, and for other purposes, approved 9th February, 1852;

To incorporate the Sandy Ridge Female Academy in Lowndes county;

The bill to be entitled an act to regulate the assessment and collection of taxes;

For the preservation of game in the counties of Mobile, Baldwin and Washington;

To repeal certain laws which conflict as to the duty of quarter master general;

For the relief of John T. Weaver;

To amend the sixteenth section of the act to incorporate the Choctaw Male and Female Seminary, approved February 1, 1850;

To incorporate the De Sotoville Male and Female Academy in the county of Choctaw;

For the relief of the constable of Livingston Beat in the county of Sumter;

To regulate the holding of chancery courts in the southern division, and to allow decrees to be made in vacation by consent;

To change Lane's precinct in Morgan county to Hampton in said county;

For the pay of tales jurors for the county of Henry;

To repeal a portion of section 769 of the Code of Alabama;

For the relief of a certain tax assessor therein named;

For the relief of R. C. Newman of DeKalb county;

To authorize justices of the peace in the counties of Fayette and Walker to hold monthly courts at their respective offices separately;

The bill authorizing the Governor to order elections therein named;

To authorize the trustees of township 21, range 14, to sell a part of the sixteenth section;

For the relief of Alonzo Dillard, were severally read the first, second and third times, and passed.

The amendment of the House to the bill to re-loan to the West Point and Montgomery Rail Road, that portion of the two per cent. fund, heretofore loaned to said company; was concurred in Yeas 21, nays 1.

Those who voted in the affirmative are:

Messrs. President, Acklen, Ashley, Baker, Bethea, Bradford, Brindley, Cocke, Crenshaw, Hendricks, H. C. Jones, Kelly, Kimball, Malone, McLemore, Patton, Searcy, Watts, Webb and Woodward.

Mr. Frazier voting in the negative.

The bills

To amend the law of escheats;

To alter and amend section 998 of the Code, were referred to the Judiciary Committee.

The bills

For the relief of certain persons therein named;

For the payment of certain claims against the State;

To provide for the payment of certain claims against the State, were severally referred to the Committee on Accounts.

The bill to repeal the third section of the twelfth chapter of the Military Code; which was referred to the Committee on the Military.

The bill to incorporate the North Alabama and Grand Junc-

tion Rail Road Company, was read the first and second times, and referred to the Internal Improvement Committee.

The bill for the relief of Thomas Brown of Lauderdale county, and John Tyler of Jefferson county.

Mr. Cocke reported, as correctly enrolled, bills of the following titles:

For the relief of Miles Rea;

To define the line between DeKalb, Jackson and Marshall counties;

To prevent the deposit of dead animals in the streams of this State;

To repeal an act entitled an act to provide for the compensation of jurors and witnesses in the county of Tuscaloosa;

To regulate the practice of the circuit court in the counties of Washington and Baldwin;

To define the liabilities of overseers and apportioners to perform road duty in the county of Tuscaloosa;

To consolidate the offices of assessor and tax collector in the county of Walker;

To remunerate James G. Carroll for services rendered to the State of Alabama;

To authorize Robert H. Lake to practice law in the several courts in this State;

To establish and maintain a system of free schools;

To compensate Charles F. Lockhart of Russell county for certain services;

To amend the charter of the Alabama and Florida Rail Road, and for other purposes;

To amend section 1805 of the Code in relation to annual settlements. The Senate then adjourned.

FEBRUARY 16, 1854.

The Senate met pursuant to adjournment.

Mr. Patton introduced a memorial to the Congress of the United States for the payment of a certain claim against the general government for horses purchased for volunteers during the Creek Indian War of 1836; which was read the first, second and third times and passed.

Mr. Clanton introduced a bill to incorporate the La Place Institute of Macon county; which was read the first, second and third times and passed.

Mr. Jemison introduced a bill for the relief of Rhahame Wallace; which was read the first, second and third times and passed.

The bills

To ascertain the value of sixteenth sections in this State;

For the relief of B. T. Atkinson of Coffee county; were severally read the third times and passed.

The bill to amend the law imposing a tax for the sale of slaves, was read the third time and laid on the table.

The bill to regulate the license to retail ardent spirits, and other purposes, was read the second time.

Mr. Watts moved an amendment; which was adopted.

The bill was read the third time and passed. Yeas 12, nays 7.

Those who voted in the affirmative are:

Messrs. Bethea, Clanton, Crenshaw, Hendricks, Hobdy, Kelly, Malone, Patton, Searcy, Watts, Webb and Woodward.

Those who voted in the negative, are:

Messrs. President, Ashley, Bradford, Brindley, Cocke, Gay and Lamar.

The bill for the relief of Brittan and DeWolf, was read the third time and passed. Yeas 14, nays 13.

Those who voted in the affirmative are:

Messrs. President, Acklen, Bethea, Brindley, Clanton, Hobdy, Kelly, Lamar, Malone, McLemore, Patton, Powell, Watts and Woodward.

Those who voted in the negative are:

Messrs. Ashley, Baker, Bradford, Cocke, Crenshaw, Frazier, Hendricks, Jemison, H. C. Jones, Kimball, Searcy and Webb.

The bill to repeal the act therein named, was read the first, second and third times and passed.

The bill to compensate the sheriff of Madison county, was read the first, second and third times, and the Senate refused to pass it.

This vote was reconsidered, and the bill was passed.

The bills

To repeal in part an act to regulate the pay of petit jurors in Henry, Dale, Randolph, Coffee and Covington counties, approved January 27, 1843;

To regulate the levy of county tax in Dale county;

To extend the time of recording deeds; and

For establishing lost deeds, records or other papers, in Coffee county, and other purposes;

To authorise the administrators of Alexander Scott, late of Macon county, deceased, to compromise bad and doubtful debts belonging to the estate of said decedent;

To preserve legislative documents; were severally read the first, second and third times and passed.

The bill to regulate the practice in justices' courts, was read and laid on the table.

The bill to compensate Samuel F. Rice and Abram Martin, Esqrs., for professional services rendered for the State of Alabama, was read the first and second times.

Mr. Cocke moved to amend by striking out "five per cent." and inserting "five hundred dollars each;" which was lost. Yeas 8, nays 19.

Those who voted in the affirmative, are:

Messrs. Ashley, Blake, Cocke, Crenshaw, Frazier, Gay, Hendricks and Searcy.

Those who voted in the negative are:

Messrs. President, Acklen, Baker, Bethea, Bradford, Brindley, Clanton, Dickinson, Hobdy, H. C. Jones, Kelly, Kimball, Lamar, Malone, Patton, Powell, Watts, Webb and Woodward.

The bill was read the third time and passed.

The bill to increase the pay of regular and tales jurors in Dallas county, was read the first, second and third times and passed.

The bill to amend section 397 of the code was read second time.

Mr. Crenshaw moved the following amendment:

Strike out "Coffee, Butler and Conecuh;" which was adopted, and the bill was read the third time and passed.

The bill to aid the Alabama and Mississippi Rivers Rail Road.

Mr. Cocke moved to suspend the rule, with the view of giving the bill a third reading; which was lost. Yeas 15, nays 9.

Those who voted in the affirmative, are:

Messrs. Ashley, Bethea, Blake, Bradford, Brindley, Clanton, Cocke, Crenshaw, Gay, Hendricks, Hobdy, Lamar, Patton, Watts and Webb.

Those who voted in the negative, are:

Messrs. Acklen, Baker, Dickinson, Frazier, Jemison, Kelly, Malone, Powell and Searcy.

The bill was ordered to be engrossed. Yeas 15, nays 8.

Those who voted in the affirmative, are:

Messrs. Ashley, Bethea, Bradford, Brindley, Clanton, Cocke, Crenshaw, Hendricks, Hobdy, Lamar, McLemore, Patton, Watts Webb and Woodward.

Those who voted in the negative, are:

Messrs. Acklen, Blake, Frazier, Jemison, Kelly, Malone, Powell and Searcy.

Mr. Bethea, from the Committee on Internal Improvement, reported a substitute for the bill to aid the Tennessee and Coosa Rail Road; which was adopted.

Mr. Lamar moved a suspension of the rule to give the bill a third reading; which was lost. Yeas 16, nays 11.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Bethea, Bradford, Brindley, Clanton, Cocke, Frazier, Gay, Hendricks, Hobdy, Jemison, Lamar, Patton, Powell and Watts.

Those who voted in the negative, are:

Messrs. Ashley, Baker, Crenshaw, Dickinson, Hewlett, Kelly, Kimball, Malone, McLemore, Webb and Woodward.

Mr. Brindley moved to amend as follows:

1st. Strike out "advances" and "stock, &c."

2d. Eight thousand per mile as fast as sections of eight miles be ready to lay down the iron.

Mr. Watts moved to lay the amendment on the table; which was carried, Yeas 15, nays 10.

Those who voted in the affirmative are:

Messrs. President, Acklen, Bethea, Bradford, Clanton, Cocke,

Crenshaw, Frazier, Hendricks, Hobdy, Jemison, Lamar, Patton, Powell and Watts.

Those who voted in the negative are:

Messrs. Ashley, Baker, Brindley, Hewlett, Kelly, Malone, Mc-
Lemore, Searcy, Webb and Woodward.

Mr. Frazier moved the following amendment:

That when one fifth part of said road is fully completed, the said company shall execute a mortgage due upon the part so finished, to the satisfaction of the Governor, before receiving the amount appropriated by this act, for the next fifth part, and so on successively, upon every fifth part, as completed; which was adopted.

The bill was ordered to a third reading.

The amendment of the House to the bill for the relief of certain persons therein named, was concurred in.

The amendment of the House to the bill to restrict county court commissioners of Cherokee county in levying taxes, &c., was concurred in.

Mr. Cocke introduced a bill to loan the interest on that part of the two per cent. fund heretofore loaned to the Montgomery and West Point Rail Road Company, to the Alabama and Mississippi Rivers Rail Road Company.

Mr. Cocke moved a suspension of the rule in order to give the bill a second reading; which was lost. Yeas 15, nays 5.

Those who voted in the affirmative are:

Messrs. Acklen, Bethea, Bradford, Brindley, Cocke, Crenshaw, Gay, Hendricks, H. C. Jones, Kimball, Lamar, Malone, Mc-
Lemore, Patton, Searcy, Watts and Webb.

Those who voted in the negative are:

Messrs. President, Ashley, Dickinson, Frazier and Kelly.

The bill was ordered to a second reading.

Mr. Malone introduced a bill to survey a central rail road, connecting north and south Alabama; which was read the first time and ordered to a second reading.

The Senate then adjourned until 3½, p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Patton, from the Select Committee, reported the bill to consolidate the courts of chancery of the counties of Franklin, Lawrence and Lauderdale.

Mr. Patton moved to strike out "Lauderdale;" which was lost.

Mr. Patton moved to strike out "Tuscumbia" and insert "Florence" in the sixth line;" which was carried. Yeas 14, nays 10.

Those who voted in the affirmative, are:

Messrs. Ashley, Clanton, Cocke, Crenshaw, Dickinson, Gay,

Hendricks, Kelly, Kimball, Lamar, McLemore, Patton, Powell and Webb.

Those who voted in the negative, are:

Messrs. President, Baker, Bethen, Bradford, Brindley, Hewlett, H. C. Jones, Malone, Searcy and Watts.

Mr. Watts introduced joint resolutions in relation to amendments to the code; which were read the first, second and third times and passed.

The bill making appropriations for the fiscal year, 1854-'55, was read the first and second times.

Mr. Powell moved an amendment:

That the clerks, assistant secretary and door-keeper be allowed pay during the vacation; which was adopted. Yeas 17, nays 7.

Those who voted in the affirmative are:

Messrs. President, Acklen, Bradford, Clanton, Dickinson, Gay, Hobdy, Kimball, Lamar, McLemore, Patton, Powell, Searcy, Watts, Webb and Woodward.

Those who voted in the negative, are:

Messrs. Cocke, Crenshaw, Frazier, H. C. Jones and Kelly.

The bills

To authorize Mrs. Catharine Molton, executrix of Thomas Molton, deceased, to purchase certain real estate therein mentioned;

To authorize the sheriff of Montgomery county to employ additional bailiffs;

To enable the county surveyor of Montgomery county to make correct surveys in said county;

To change the manner of apportioning the road hands in St. Clair county;

The bill to be entitled an act supplemental to an act to incorporate the Alabama Direct Trade and Exchange Company, approved February 5, 1852;

To review and amend the charter of the town of Yorkville, in Pickens county;

To incorporate the Pickens DeKalb Minute Men;

To authorize the Governor to issue a patent to A. B. McDougal for certain lands therein mentioned; and for other purposes; and

The joint memorial to the Congress of the United States; were severally read the first, second and third times and passed.

The bills

Authorizing the constable of precinct number six, in the forty-sixth regiment of Alabama militia of Pike county, to appoint a deputy;

Declaring Samuel Floyd, a liner between the counties of Montgomery and Pike, a citizen of Pike;

To authorize William and James Campbell of Franklin county to erect a certain dam therein named;

To authorize John C. McGrew to erect gates across a certain road therein mentioned;

To prevent more effectually the circulation of counterfeit money;

For the relief of George Rives;

To make an additional ground for divorce; were severally read the first, second and third times and passed.

Mr. Baker reported unfavorably on the bill for the relief of Thomas Brown of Lauderdale county, and John Tyler of Jefferson county; which was concurred in.

The bill to explain and fix the times when the chancery courts in the middle division shall be held was taken from the table, and read the second time.

Mr. Webb moved to postpone the bill indefinitely; which was carried. Yeas 11, nays 6.

Mr. Hendricks reported favorably on the bill to provide for the payment of certain claims against the State.

The bill was read the third time and passed.

Mr. Hendricks reported, with an amendment, the bill for the payment of certain claims against the State; which was read the third time and passed.

The bills

To amend section 2824 of the Code of Alabama, relative to licensing circuses in Mobile;

To authorize executors or administrators upon application to the probate court to dispose of land warrants;

To authorize the commissioners' courts of roads and revenue of Sumter county to reduce the width of causeways and bridges therein.

To prevent the sale of intoxicating liquors within three miles of Magnolia Academy, in Marengo county;

To repeal section 1163 of the code, and to authorize the levying of a road tax in Baldwin county;

To declare Elizabeth Gilbreath an inhabitant of Marshall county, and for other purposes;

Exempting volunteers in Mexican companies from military duty;

To alter and amend section 1116 of the code of Alabama;

To divide the county of DeKalb into four commissioners' districts;

Declaring S. F. Perkins a citizen of Marengo county;

To incorporate the Troy Fire Company in the county of Pike;

To incorporate the Ancient Order of Hibernians of the city and county of Mobile; were severally read the first, second and third times and passed.

The bills

To extend the jurisdiction of the probate court;

To repeal in part certain acts therein named;

To make Nathan Rives of Cherokee county a citizen of Benton

county; were severally read the first and second times and ordered to a third reading.

The bills:

To amend the charter of the Elba Manufacturing Company of Coffee county;

To regulate the manner by which executors and administrators are to give notice of their appointment; were each read the first and second times and laid on the table.

The joint resolution in relation to the refusal of Georgia to charter a portion of the North-east and South-west Rail Road, through her territory, was read and laid on the table.

The joint resolution in relation to the territories of Nebraska and Kansas, were read the first and second times, and referred to the Committee on Federal Relations.

Mr. Malone introduced joint resolutions on the Nebraska and Kansas territorial bills; which were read the first and second times and referred to the Committee on Federal Relations.

The joint resolutions proposing amendments to the constitution, giving to the people the election of secretary of state, comptroller of public accounts, state treasurer, chancellors, judges of the supreme courts, attorney general and solicitor, and providing for the biennial election of representatives to the general assembly, with annual sessions thereof, if provided for by law, was read the first time; and

Mr. Bradford moved to lay it on the table; which was lost. Yeas 9, nays 17.

Those who voted in the affirmative, are:

Messrs. Bradford, Crenshaw, Gay, H. C. Jones, Kimball, McLemore, Patton, Watts and Webb.

Those who voted in the negative, are:

Messrs. Acklen, Ashley, Baker, Bethea, Brindley, Clanton, Cocke, Dickinson, Frazier, Hendricks, Hobdy, Hewlett, Kelly, Lamar, Malone, Searcy and Woodward.

Mr. Malone moved a suspension of the rule in order to give the bill a second reading forthwith; which was lost. Yeas 16, nays 9.

Those who voted in the affirmative, are:

Messrs. Acklen, Baker, Bethea, Brindley, Clanton, Cocke, Dickinson, Frazier, Hendricks, Hobdy, Kelly, Lamar, Malone, McLemore, Searcy and Woodward.

Those who voted in the negative are:

Messrs. Ashley, Bradford, Crenshaw, Gay, Hewlett, H. C. Jones, Kimball, Watts and Webb.

The resolution was ordered to a second reading.

The bill to establish the county of Hancock, was read the second time, and referred to the Committee on Propositions and Grievances.

Mr. Cocke reported, as correctly enrolled, bills of the following titles:

To authorize the sale of the extra copies of the twenty second volume of the decisions of the supreme court;

To revive the acts incorporating the town of Warrenton in Marshall county;

For the relief of Robert Chandler of Marshall county;

To establish the boundary line between the counties of Mobile and Washington, and for other purposes;

To incorporate the "Trustees of Friendship School" in the county of Wilcox;

To divorce Jos. H. Wallis from his wife, Mary Wallis;

For the relief of Abel Eckols of Dale county;

For the relief of G. W. Grant;

To repeal an act therein named;

In relation to pay of witnesses in State cases;

Joint resolutions endorsing the action of the Harbour Improvement Meeting recently held in the city of Mobile;

To provide a set of weights and measures for the county of Hancock;

To amend the law in relation to burning woods in the county of Henry;

The bill relating to the appointment of overseers and appor-tioners in Sumter county;

To amend the proceedings in the city court of Mobile;

To amend the law in relation to pleadings;

To legalize a sale of a part of the sixteenth section in town-ship 23, range 26, in Chambers county;

To incorporate the Greensboro' and Union Town Rail Road Company;

To authorize the renewal of notes for the purchase of sixteenth section lands;

To incorporate the Hollywood House Company;

(The above bills originated in the House.)

To renew the loan of that part of the two per cent. fund, loaned to the Montgomery and West Point Rail Road Company;

To authorize the transfer and burning of certain bank notes of the State Bank and branches;

To amend the charter of the Marengo Covered or Plank Road Company;

To incorporate the order of the Knights of the Golden Cross in the city of Mobile;

To repeal an act passed and approved on the 9th day of Febru-ary, 1852;

To repeal an act to incorporate the Lowndesboro' Female Insti-tute, approved January 29th, 1852;

For the relief of J. H. Daughdrill of Mobile county;

To define the jurisdiction of the town constable of the town of Carrollton;

To amend the charter of the Wilcox Female Institute;

To authorize the exchange of the bills of the State Bank and its branches over five dollars in amount in circulation for the bills under five dollars in amount in the State treasury ;

To authorize the register in chancery to settle a certain case therein named, and for other purposes ;

To amend the law of and regulate the proceedings in admiralty in Alabama.

Messrs. H. C. Jones, J. D. Webb, W. H. Crenshaw, Wm. Acklen, J. P. Frazier and Jack. F. Cocke, presented the following protest :

The undersigned, anxious to see some system of popular education adopted by this legislature have looked with deep interest to every proposition having this for its object.

We hoped that the bill transmitted to the Senate by the House of Representatives by pruning and amendment might be made altogether acceptable, at least just and practicable. But the friends of that bill by sustaining the call for the previous question, cut off all amendments, and forced upon us the necessity of voting for this bill with all its imperfections, or placing ourselves before the country in the position of opponents to public schools.

Believing as we do, that this bill is unjust and totally inadequate to the wants of the country; a sense of duty has forced us to vote against it; and we state the following as some of the reasons that induced us to do so :

1st. It sets aside (in effect) eighty three thousand three hundred and thirty three dollars of the funds of the sixteenth sections deposited with the State, (or the interest annually arising thereon) the largest portion of which is to be applied beyond the limits of the township to which it belongs. We hold that this fund is a sacred trust, and that a misapplication of it, in whole or in part, is a trespass upon the vested rights of the townships, which cannot be justified by any principle of law or of morals.

2d. Because it vests in the hands of the superintendent annually the immense sum of two hundred and thirty one thousand dollars of the taxes of the State, when he is only required to give bond in the paltry sum of twenty thousand dollars. This is indeed a "generous confidence," when we know not who this superintendent is, or what are his antecedents.

3rd. Because the funds set apart by this bill are not to be applied to the benefit of children actually sent to school, but an average is struck, and the fund is distributed according to that average, not among the children, but among the townships. There are townships in the State in which there is scarcely a child living, and many in which the number is very small, still they are to get an equal amount with those whose necessities are ten or a hundred fold as great. This is a palpable violation of the principle upon which the bill professes to be founded, "to extend upon equal terms to all the children of the State the inestimable blessings of liberal instruction."

4th. Because, by the provisions of this bill, those townships which have not sold their lands, however rich or profitable they may be, are entitled to an equal share with the poorest, while those townships in which the lands have been sold for an amount above the average get nothing.

5th. Because it will cripple or destroy all the valuable schools now in operation, before the scholars sent to any of these schools can receive any of the benefits of this act. The teachers thereof will not only be subject to an examination, but the whole system of such schools will be placed under the surveillance and dictation of this superintendent.

6th. Because two thousand dollars are appropriated to pay the superintendent and three thousand more to the circulation of essays, periodicals, and to enlighten the people, and not to educate the children as the bill proposes—thereby wasting enough money to educate annually one thousand of the indigent children of the State.

7th. Because the powers conferred on the superintendent are extraordinary. He can govern every free school in the State absolutely—prescribe the course of study—the books—say which are sectarian or what not, and exclude or admit them at will. The cunning free-thinker or sectarian would want no better opportunity than this to impress his own opinions upon the entire State through the rising generation.

8th. Because the provisions of the bill are vague, uncertain and contradictory and must involve the State in a vast amount of trouble and perplexity. We therefor enter this, our protest against the bill, and ask that it may be spread upon the journals.

H. C. Jones,
J. D. Webb,
W. H. Crenshaw,
Wm. Acklen,
J. P. Frazier,
Jack. F. Cocke.

The Senate then adjourned.

FEBRUARY, 17, 1854.

The Senate met pursuant to adjournment.

Message from the Governor by Mr. Whitfield—

EXECUTIVE DEPARTMENT,
Montgomery, February 17, 1854. }

To the Senate:

I return to the Senate a bill to be entitled an act for the relief of Charles Gookin. Upwards of ten years ago the claim of C. Gookin was urged before the legislature. I was then a member of the Senate, and with others gave the matter a strict and careful examination with every desire to do justice to the petitioner, and at the same time to guard the public treasury.

It was very clear to the Senate at that day, when too, all the circumstances were of recent occurrence, and capable of proof, that he failed to make out his case; so as to entitle him to come upon the State for alleged loss of notes; and the Senate by a vote of two to one refused to pass a bill for his relief, by giving him money out of the treasury.

I hold the proper time to have continued to press the matter was, when all the facts were new, and not at this late period, by continued importunity to compel the State to pay to him money he cannot clearly prove was ever lost.

Thousands of cases of equal merit might be made over against the State for Bank notes, supposed to have been burned, lost or destroyed.

If any one supposes or expects that the Executive is disposed to place himself in a position antagonistic to the legislature he is greatly mistaken.

The constitution makes it my duty to sign bills when they have my approval; if not, to return them with my objections. Having once fully investigated this matter, and having seen no cause to reverse the opinion then formed, as one of the guardians of the will of the people and of the public treasury, I cannot consent that their money should be appropriated upon claims no better established than that of Charles Gookin.

JOHN A. WINSTON.

The bill was reconsidered and the Senate refused to pass it. Yeas 14, nays 12.

Those who voted in the affirmative, are:

Messrs. Ashley, Baker, Clanton, Cocke, Crenshaw, Jemison, Kimball, Lamar, McLemore, Patton, Powell, Searcy, Watts and Webb.

Those who voted in the negative, are:

Messrs. President, Acklen, Bradford, Brindley, Dickinson, Frazier, Gay, Hewlett, H. C. Jones, Kelly, Malone and Woodward.

The bill to authorize the opening of private roads in the counties of Sumter, Greene and Marengo, was taken from the table.

Mr. Crenshaw moved to strike out Greene, Marengo and Russell; which was adopted, and the bill was read the first, second and third times, and passed.

Mr. Patton reported a bill to incorporate the Colbert Shoals Navigation Company; which was laid on the table.

Mr. Frazier reported favorably on the bill to provide for the extension of debts due the sixteenth sections; which was ordered to a third reading.

Mr. Hendricks reported favorably on the bill for the relief of certain persons therein named; which was read the third time and passed.

Mr. Blake reported unfavorably on the bill to amend an act

authorizing James Doran to emancipate certain slaves therein named, approved January 20th, 1852.

The bill was laid on the table.

Mr. Blake reported favorably on the bill for the attendance of slaves as witnesses, and for the compensation of their owners.

The bill was read the third time and passed.

Mr. Blake reported unfavorably on the bill to curtail the pay of witnesses in certain cases.

The report was concurred in.

Mr. Blake reported favorably on the bill to repeal an act therein named.

The report and bill was laid on the table.

Mr. Blake reported favorably on the bill to amend an act establishing jury trials in justices courts in DeKalb and Cherokee counties, and for other purposes ; which was ordered to a third reading.

Mr. Blake reported favorably on the bill to amend section 1255 of the Code ; which was read the third time and passed.

Mr. Blake reported unfavorably on the bill to amend clause 9 of section 397 of the Code.

The report was concurred in.

Mr. Blake reported unfavorably on the bill to authorize Melsana J. Lightfoot of Lawrence county, executrix of John F. Lightfoot, deceased, to invest the funds of said estate, &c.

The report was concurred in.

Mr. Malone, from the Committee on Education, to whom was referred a memorial and joint resolution on education, reported that the object sought was included in the bill in regard to the public schools, and asked to be discharged from the further consideration of the same.

Mr. Blake reported favorably to alter and amend section 998 of the Code.

The bill was ordered to a third reading.

Mr. Blake reported unfavorably on the bill to amend sections 2421 and 2475, to repeal section 2421 of the Code, and to regulate the limitation of judgments and decrees ; which was concurred in.

Mr. Acklen introduced resolutions in relation to the death of the late William R. King ; which were read the first, second and third times and passed.

Mr. Clanton introduced resolutions in relation to the Caleba Light Horse Company.

The hour of 11 o'clock having arrived, the Senate, by invitation, repaired to the hall of the House for the purpose of electing a superintendent of education.

The two Houses proceeded to the election ; Messrs. Benj. F. Porter, A. A. Lipscomb, William F. Perry, F. G. Freeman, J. W. Taylor and T. B. Bradley being in nomination.

Those who voted for Mr. Porter are :

Mr. Lamar of the Senate ; and Messrs. Cowan, Fletcher, Fore-

man, Gilbreath, Meek. Murphy and St. John of the House of Representatives.

Those who voted for Mr. Lipscomb are :

Messrs. President, Ashley, Baker, Brindley, Clanton, Crenshaw, Dickinson, Jemison, Kelly, Kimball, Malone and Patton of the Senate; and Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Burnett, Calhoun, Cook, J. W. Davis, W. P. Davis, Erwin of Wilcox, A. Holly, Judge, Owen, Pickitt, Rutherford, Walker of Lauderdale and Walker of Mobile of the House.

Those who voted for Mr. Perry are :

Messrs. Bradford, Frazier, Gay, Hendricks, Hewlett, H. C. Jones, Powell and Searcy of the Senate; and Messrs. Alldredge, Bishop, Carroll, Clifton, Curry, Garth, Gibson, Goodin, Greene, Horn, Hubbard, Irvin of Walker, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Musgrove, Newell, Odom, Payne, Reynolds, Sanford, Scott and Sterritt of the House—32.

Those who voted for Mr. Freeman are :

Messrs. Blake, Cocke, McLemore, Watts and Woodward of the Senate; and Messrs. Comer, Creagh, Foscue, Gillam, Gordy, Hatcher, Hays, Hill, Jay, McCall of Chocktaw, Robinson, Talbert, Thornton and Todd of the House—19.

Those who voted for Mr. Taylor are :

Mr. Webb of the Senate; and Messrs. Camp, Inge, McCall of Barbour, and Whitsitt, of the House—5.

Those who voted for Mr. Bradley are :

Mr. Acklen of the Senate; and Messrs. Allen, Brown, Findley, Fox, Hanserd, Humphreys, Rhodes and Watkins of the House—9.

SECOND BALLOT.

The names of Messrs. Taylor and Bradley were withdrawn.

Those who voted for Mr. Porter are :

Mr. Lamar of the Senate; and Messrs. Brown, Cowen, Fletcher, Foreman, Fox, Gilbreath, Humphreys, Meek and Murphy of the House—10.

Those who voted for Mr. Lipscomb are :

Messrs. President, Acklen, Ashley, Baker, Brindley, Clanton, Crenshaw, Dickinson, Jemison, Kelly, Kimball, Malone and Patton of the Senate; and Messrs. Speaker, Abercrombie, Agee, Allen, Bell, Belser, Calhoun, Cochran, Cook, J. W. Davis, W. P. Davis, Ervin of Wilcox, A. Holly, Horn, Inge, Judge, McBryde, Owen, Payne, Pickett, Rhodes, Vest; Walker of Lauderdale, Walker of Mobile, Watkins and Webb of the House—39.

Those who voted for Mr. Perry are :

Messrs. Bradford, Frazier, Gay, Hendricks, Hewlett, H. C. Jones, Powell and Searcy of the Senate; and Messrs. Alldredge, Bishop, Carroll, Clifton, Curry, Garth, Gibson, Goodin, Greene, Hanserd, Hubbard, Irvin of Walker, Johnson, Lawrence of

Cherokee, Lawrence of Fayette, Lindsey, McCall of Barbour, Musgrove, Nelms, Newell, Reynolds, Rutherford, Sanford, Scott, St. John, Sterritt and Whitsitt of the House—35.

Those who voted for Mr. Freeman are :

Messrs. Blake, Cocke, McLemore, Watts and Woodward of the Senate; and Messrs. Comer, Findley, Foscue, Gillam, Gordy, Hatcher, Hays, Hill, Jay, McCall of Choctaw, Robinson, Talbert, Thornton and Todd of the House—19.

Mr. Webb of the Senate, and Mr. Camp of the House voted for Mr. Taylor.

THIRD BALLOT.

Those who voted for Mr. Porter are :

Mr. Lamar of the Senate; and Messrs. Cowen, Fletcher, Foreman, Meek and Murphy of the House—6.

Those who voted for Mr. Lipscomb are :

Messrs. President, Acklen, Ashley, Baker, Brindley, Clanton, Crenshaw, Dickinson, Jemison, Kelly, Kimball, Malone and Patton of the Senate; and Messrs. Speaker, Abercrombie, Agee, Allen, Bell, Belser, Burnett, Calhoun, Cochran, Cook, J. W. Davis, W. P. Davis, Ervin of Wilcox, Hall, Hatcher, A. Holly, Horn, Inge, Judge, McBryde, Nelms, Owen, Payne, Pickett, Rhodes, Vest, Walker of Lauderdale, Walker of Mobile, Weaver and Webb of the House—43.

Those who voted for Mr. Perry are :

Messrs. Bradford, Frazier, Gay, Hendricks, Hewlett, H. C. Jones and Powell of the Senate; and Messrs. Alldredge, Bishop, Carroll, Clifton, Comer, Curry, Findley, Foscue, Fox, Garth, Gibson, Gilbreath, Gillam, Goodin, Greene, Hanserd, Hubbard, Humphreys, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McCall of Barbour, Musgrove, Newell, Odom, Reynolds, Rutherford, Sanford, Scott, St. John, Sterritt and Whitsitt of the House—40.

Those who voted for Mr. Freeman are :

Messrs. Blake, Cocke, McLemore, Watts and Woodward of the Senate; and Messrs. Gordy, Hays, Hill, Jay, McCall of Choctaw, Robinson, Talbert, Thornton and Todd of the House—14.

Mr. Webb of the Senate, and Messrs. Creagh and Camp of the House voted for Mr. Taylor.

FOURTH BALLOT.

Messrs. Perry and Lipscomb being alone in nomination.

Those who voted for Mr. Perry are :

Messrs. Blake, Bradford, Cocke, Frazier, Gay, Hendricks, Hewlett, H. C. Jones, Lamar, McLemore, Powell, Searcy and Woodward of the Senate; and Messrs. Alldredge, Allen, Bishop, Car-

roll, Clifton, Comer, Cowan, Curry, Findley, Foreman, Foscue, Garth, Gibson, Gillam, Goodin, Gordy, Greene, Hanserd, Hill, Hubbard, Irwin of Walker, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Reynolds, Robinson, Rutherford, Sanford, St. John, Sterritt, Talbert, Thornton, Todd and Whitsitt of the House—55.

Those who voted for Mr. Lipscomb are :

Messrs. President, Acklen, Ashley, Baker, Brindley, Clanton, Crenshaw, Dickinson, Jemison, Kelly, Kimball, Malone, Patton and Watts of the Senate; and Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Burnett, Calhoun, Cochran, Cook, Creagh, J. W. Davis, W. P. Davis, Ervin of Wilcox, Hall, Hatcher, A. Holly, Horn, Inge, Jay, Judge, McBryde, Meek, Odom Owen, Payne, Pickett, Rhodes, Vest, Walker of Lauderdale, Walker of Mobile, Watkins and Webb of the House—46.

Mr. Webb of the Senate voted for Mr. Lapsley.

Mr. Perry having received a majority of the whole number of votes given, Mr. Speaker declared him duly elected superintendent of education for the term prescribed by law.

The Senate returned to its chamber.

Mr. Ashley, from the Committee on Propositions and Grievances, to whom was referred the bill to abolish the county of Hancock, reported the same to the Senate, and asked to be discharged from the further consideration of the same.

Mr. Hewlett moved to postpone the bill indefinitely; which was carried. Yeas 13, nays 11.

Those who voted in the affirmative are :

Messrs. Baker, Bradford, Brindley, Clanton, Dickinson, Hendricks, Hewlett, Jemison, H. C. Jones, Lamar, Patton, Powell and Watts.

Those who voted in the negative are :

Messrs. President, Ashley, Cocke, Crenshaw, Frazier, Gay, Kimball, Malone, McLemore, Watts and Woodward.

The amendment of the House to the bill to make further appropriation to the Alabama Insane Hospital was concurred in.

The bill to amend the law in regard to escheats, was taken from the table.

Mr. Watts moved an amendment to the bill; which was adopted, and the bill read the third time and passed.

The Senate then adjourned...

AFTERNOON SESSION.

FEBRUARY 18th, 1854.

The Senate met pursuant to adjournment.

The bill to regulate the toll on Plank and Macademized Roads, was read the second time.

Mr. Powell moved an amendment; which was adopted.

The bill was read the third time and passed.

The bills

To incorporate the Colbert Shoals Navigation Company ;

To repeal section 2466 of the Code ;

For the relief of James Jones, a free person of color ;

To provide for the compensation of witnesses required to attend at courts of county commissioners ;

To incorporate the Atlanta, Nashville and Augusta Magnetic Telegraph Company ;

To authorize the executor of Hiram Ross to remove the estate of said testator from this State ;

For the relief of Isaac Smith of Covington county ;

For the relief of S. S. Hail, tax collector of Shelby, and his securities ;

To establish a medical board in Bellefonte ;

To amend an act to incorporate Oak Hill Academy in Wilcox ;

To authorize James M. Lee to erect gates across a certain road ;

To repeal in part the act approved 9th February, 1852, to authorize and regulate the business of banking ;

To compensate returning officers of elections ;

To extend the jurisdiction of the probate court ;

To repeal in part certain acts therein named ;

To make Matthew Reeves, a citizen of Cherokee county, a citizen of Benton county, were severally read the first, second and third times and passed.

The amendment of the House to the bill to exempt from levy and sale wearing apparel for the use of each family in this State, was concurred in.

The bill to repeal an act therein named, was read the first, second and third times and passed.

The bill to aid the Tennessee and Coosa Rail Road, was read the third time and passed.

The amendment of the House to the bill to amend the charter of the Alabama and Florida Rail Road Company was concurred in.

The bill to incorporate the Alabama Dragoons ; and

The bill to repeal an act therein named, were severally read the first, second and third times and passed.

The amendment of the House, to the bill to incorporate the Alabama and East Tennessee Rail Road Company was concurred in.

The bill to consolidate the courts of chancery of the counties of Franklin, Lawrence and Lauderdale, was read the third time and indefinitely postponed.

The bill to regulate the further collection of the sixteenth section notes, was read the first and second times, and ordered to a third reading.

The bill for the relief of the securities of John S. Blizzard, late tax collector of Lawrence county, was read the first and second times, and laid on the table.

The bill to incorporate the Southern Insurance Company, was read the first time and laid on the table.

The bill to amend section 3297 of the Code; and

The bill to repeal the second section of an act therein named, were laid on the table.

The bill to repeal section 58 of the Code, was read the first, second and third times and passed.

The bill to amend section 1354 of the Code; and

The bill to repeal and substitute section 2572 of the Code, were laid on the table.

The bill to enlarge section 1188 of the Code; and

The bill to repeal the prohibition to sell spirituous liquors in the town of Elyton or within two miles, and for other purposes, were indefinitely postponed.

The bill to incorporate the North-Western Rail Road Company, was read the first, second and third times, and passed.

The bill to loan the interest on that part of the two per cent. fund loaned to the Montgomery and West Point Rail Road to the Alabama and Mississippi Rail Road, was read the third time, and passed. Yeas 12, nays 7.

Those who voted in the affirmative are:

Messrs. Ashley, Bethea, Cocke, Hendricks, Jemison, Malone, McLemore, Patton, Searcy, Watts, Webb and Woodward.

Those who voted in the negative are:

Messrs. President, Bradford, Brindley, Crenshaw, Frazier, H. C. Jones and Kelly.

And the Senate adjourned.

FEBRUARY 18th, 1854.

The Senate met pursuant to adjournment.

The bill to authorize the building of a free bridge across Pea river at the town of Elba in Coffee county, was read the second time and ordered to a third reading.

The amendment of the House to the resolution in relation to the death of the late Hon. Wm. R. King; was concurred in.

The Senate insisted on its amendment to the joint resolutions proposing amendments to the constitution, and Messrs. Baker, H. C. Jones and Watts were appointed a committee of conference on the part of the Senate.

The bill to provide for the extension of debts due the sixteenth sections, was read the first, second and third times, and passed.

The bill to authorize Edward T. Watts to erect a bridge across Cahaba river, was read the first, second and third times, and passed.

The vote on the motion to postpone indefinitely the county of Hancock was reconsidered.

The vote was again taken and the bill was postponed indefinitely. Yeas 12, nays 9.

Those who voted in the affirmative are:

Messrs. Blake, Bradford, Brindley, Clanton, Crenshaw, Dickinson, Hendricks, Jemison, H. C. Jones, Patton, Watts and Woodward.

Those who voted in the negative are:

Messrs. President, Ashley, Baker, Kelly, Kimball, Lamar, Malone, McLemore and Powell.

The bill to survey a central rail road, connecting north and south Alabama, was read the third time.

The Senate refused to pass it. Yeas 7, nays 7.

Those who voted in the affirmative are:

Messrs. Baker, Blake, Brindley, Kelly, McLemore, Malone and Watts.

Those who voted in the negative are:

Messrs. President, Bradford, Clanton, Crenshaw, Hendricks, H. C. Jones and Lamar.

A message from the Governor:

EXECUTIVE DEPARTMENT, }

Montgomery, February 18, 1854. }

I return to the Senate a bill to be entitled an act for the relief of John A. L. DeBerrie of Walker county.

The bill proposes to do an act by legislative enactment, which the constitution has conferred on the executive, viz:

To relieve a person, convicted of the crime of perjury, from a part of the penalties fixed by law for such crimes.

I therefore decline signing the bill.

JOHN A. WINSTON.

The bill was reconsidered, and the question was taken, shall the bill pass notwithstanding the veto?

The Senate refused to pass the bill. Yeas 7, nays 12.

Those who voted in the affirmative are:

Messrs. Ashley, Baker, Bradford, Clanton, Kimball, Patton and Powell.

Those who voted in the negative are:

Messrs. President, Acklen, Blake, Brindley, Crenshaw, Hendricks, Kelly, Lamar, Malone, McLemore, Watts and Woodward.

Message from the Governor:

EXECUTIVE CHAMBER, }

February 18, 1854. }

To the Senate:

The bill to be entitled an act to appropriate certain sums for

the improvement of the penitentiary, and for other purposes, making heavy expenditures of the public money does not meet my approval.

The heavy State indebtedness, burdensome taxation on our people, should impel us to a rigid system of economy. The expenditures for the penitentiary have been already very large and oppressive to the treasury.

The lessees of the penitentiary were fully aware of its extent and condition, when they leased it for a consideration merely nominal. They doubtless took the prison for the purpose of making money by the operation. If by a change of the labor more room is necessary it has been done at their own risk.

Had the bill provided only for a limited increase of cells, and for procuring better water, I would have felt at liberty to have approved it. But in an honest discharge of my obligations to the people, I cannot approve of heavy appropriations out of the State treasury, except for matters of absolute necessity, of which I do not conceive this bill to be one.

JOHN A. WINSTON.

The bill was reconsidered, and the question was taken, shall the bill pass, notwithstanding the veto?

The Senate refused to pass the bill. Yeas 16, nays 3.

Those who voted in the affirmative, are:

Messrs. President, Acklen, Ashley, Baker, Blake, Bradford, Clanton, Crenshaw, Hendricks, Jemison, Kimball, Lamar, Patton, Powell, Watts and Woodward.

Those who voted in the negative, are:

Messrs. Brindley, Kelly and Malone.

Message from the Governor:

EXECUTIVE OFFICE,

Montgomery, February 18th, 1854. }

I return to the Senate the bill to be entitled an act to make further appropriation for the completion of the Alabama Insane Hospital. An original act for the purpose of establishing a Lunatic Assylum, was passed with the express understanding that the sum then appropriated would be amply sufficient for all the purposes contemplated by said bill. It is very unfortunate that the funds so taken from an impoverished treasury, have not been so applied as to carry out the commendable objects contemplated by the advocates of the measure.

That is, however, no justification for further and lavish appropriations of the funds coming from industry and labor of the State.

The want of time prevents me from giving my reasons more fully on the appropriation of the public funds for this purpose.

JOHN A. WINSTON.

The bill was reconsidered, and the question was taken, shall the bill pass, notwithstanding the veto?

The Senate refused to pass the bill. Yeas 16, nays 5.

Those who voted in the affirmative, are:

Messrs. President, Ashley, Blake, Bradford, Clanton, Cocke, Crenshaw, Hendricks, Jemison, Kelly, Lamar, McLemore, Patton, Powell, Watts and Woodward.

Those who voted in the negative, are:

Messrs. Baker, Brindley, Dickinson, Kimball and Searcy.

Mr. Baker, from the Committee of Conference on the joint resolution proposing amendments to the constitution, reported that said committee could not reconcile the matters of disagreement between the two Houses, and asked to be discharged from the further consideration of the subject.

Ordered, that the committee be discharged.

A message from the House by Mr. Elmore—

Mr. President: the House of Representatives has adopted the following resolution:

Resolved, That, with the concurrence of the Senate, a joint committee of the two Houses be appointed to wait on his excellency, the Governor, and inform him that the two Houses are ready to adjourn *sine die*, unless he have other communication to make to the two Houses. Messrs. Hall, Calhoun and Carroll constitute said committee on the part of the House.

The resolution was concurred in, and Messrs. Baker, Kelly and H. C. Jones appointed on the part of the Senate.

Mr. Baker reported that the committee appointed for the purpose have waited on his excellency, the Governor, and was informed by him that he had no further communication to make to the two Houses.

Mr. Cocke, from the Committee on Enrolled Bills, reported, as correctly enrolled——

Mr. McLemore offered the following resolutions:

Resolved, That the thanks of the Senate be unanimously tendered to the Hon. WM. B. MARTIN, President of the Senate, for the able, dignified and impartial manner in which he has presided over the deliberations of this body.

Resolved, 2nd. That the thanks of the Senate be tendered to the Secretary, Assistant Secretary and Door-keeper, for the faithful discharge of their respective duties.

Mr. President responded to the resolutions in an elegant and appropriate manner, bade the members of the Senate an affectionate farewell, and pronounced the Senate adjourned *sine die*.

WM. B. MARTIN,
President of the Senate.

Attest:

J. H. PHELAN,
Secretary.

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